



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

Thursday, 6 May 2010.

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DÁIL ÉIREANN

Déardaoin, 6 Bealtaine 2010.
Thursday, 6 May 2010.

Chuaigh an Ceann Comhairle i gceannas ar 10.30 a.m.

Paidir.
Prayer.

Requests to move Adjournment of Dáil under Standing Order 32.

An Ceann Comhairle: Before coming to the Order of Business I propose to deal with a number of requests under Standing Order 32.

Deputy James Bannon: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the shameful disregard for the people of this country, particularly those who are ill and infirm, shown by the Minister for Health and Children and her Department in refusing to answer parliamentary questions and representations tabled by politicians who are anxious to get replies and action on behalf of their constituents. While it would perhaps have validity to refuse to answer questions from Government Deputies, it is surely counter-productive, even opportunistic, to refuse to reply to Opposition Deputies.

Deputy Seymour Crawford: I seek the adjournment of the Dáil under Standing Order 32 to discuss an issue of local and national importance, namely, the serious position regarding the future of 5,500 jobs in the Quinn Group, which are under pressure as a result of the Financial Regulator's decision to stop writing insurance in Britain and the Six Counties before the administrator was appointed. While I appreciate limited opportunities have now been given for some areas of insurance to be reopened, the fact that 900 jobs have already been notified means many other jobs will be at risk, especially in the Border counties of Cavan, Monaghan, Leitrim and Fermanagh where jobs were not available before Mr. Quinn's initiative. Will the Dáil discuss, even at this late stage, a rescue package to save many jobs rather than talk in terms of advising 900 or more employees to take other forms of education to assist in finding jobs that do not exist?

An Ceann Comhairle: Having considered the matters raised, they are not in order under Standing Order 32.

Order of Business.

The Tánaiste: It is proposed to take No. a11, motion re membership of committees; No. 4, Competition (Amendment) Bill 2010 — Order for Second Stage and Second Stage; and No. 3, Nurses and Midwives Bill 2010 — Order for Second Stage and Second Stage. It is proposed, notwithstanding anything in Standing Orders, that No. a11 shall be decided without debate. Private Members' business shall be No. 76, motion re ministerial pensions (resumed), to be

[The Tánaiste.]

taken after the Order of Business and, if not previously concluded, to be brought to a conclusion after 90 minutes.

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with No. *a*11 without debate agreed to?

Deputy Enda Kenny: No. Last Tuesday, the Fine Gael Party Whip, Deputy Kehoe, requested an opportunity to have statements in the House from the Minister for Finance on behalf of the Government in respect of Ireland's contribution to and participation in the bilateral loan scheme for the people of Greece. As we speak, there is great tension across Greece as its Parliament debates the austerity programme that will have to be implemented in some measure if the country is to abide by the rules and regulations.

Tomorrow, at a meeting of the Heads of Government of the countries of the eurozone, momentous decisions will be made in respect of the transfer of significant moneys from these countries to Greece to deal with its original loans, in particular, those from French and German banks. This requires a discussion of the terms, conditions and guarantees for the repayment of moneys to be transferred from Ireland to Greece. For three days, the Government has refused to explain to the House the terms, conditions and opportunities for repayment which will come out of tomorrow's meeting.

This is the start of a long and dangerous process for the European Union. It is central to the European process that one country support another and, in so doing, this House should have an opportunity to hear from the Minister for Finance what is at stake, how this agreement has been arrived at and its terms and conditions. In that context, I do not accept the Order of Business, as proposed by the Tánaiste.

This is the third day in a row the Government has refused to come to the House to debate these issues. Its refusal is typical of a Government that does not want to debate any issues that are seen to be complex or difficult or that could cause trouble for it. This is a matter for all our people who are represented by Members of this House. It is of considerable import in terms of where Europe and the European Union are headed and it is critical for the countries of the eurozone. I respectfully request that the Tánaiste amend the Order of Business to provide an opportunity for a 90 minute or two hour discussion of this issue in advance of the meeting of eurozone Heads of Government tomorrow at which this momentous decision is to be made.

Deputy Eamon Gilmore: When this issue was raised on the Order of Business yesterday, I made the point, one on which I agreed with the Taoiseach, that this is a matter of national interest. How this country deals with the crisis in Greece, the contribution we are making to the European assistance being provided to Greece, what is happening in Greece and what happens with the euro have serious consequences for all of us.

We initially asked the Taoiseach when the legislation would be brought in, but he was not able to tell us yesterday other than to say that the Government had not yet approved it. I understand from our own Whip that all Whips were informed yesterday evening that it will be three weeks before it is brought before the House. We asked yesterday for an opportunity to discuss the issue in the House, so that the Minister for Finance could set out the position and that we could respond to it. Deputy Burton has been asking for much more information than that provided to date since the announcement last week of assistance for Greece.

There is a meeting of government leaders tomorrow to discuss these issues. One of the issues to be considered at that meeting is that an independent European rating agency should be

established. At the moment, we are in the hands of three ratings agencies, Standard & Poor's, Moody's and Fitch. These are three private companies that have the power, through their ratings, to decide the future and the fortunes of national economies.

An Ceann Comhairle: We are getting away considerably from the proposal on the Order of Business. I have allowed considerable latitude to yourself and Deputy Kenny.

Deputy Michael D. Higgins: These agencies have a scurrilous record.

Deputy Eamon Gilmore: A Cheann Comhairle, I respectfully suggest that you listen to what we are saying. The reason Deputy Kenny and I are opposing the Order of Business——

An Ceann Comhairle: To have a full debate on this matter is inappropriate on the Order of Business.

Deputy Kathleen Lynch: It is the only way we are going to get it.

Deputy Ruairí Quinn: We cannot get it any other way.

Deputy Eamon Gilmore: Let me start again. The reason the Labour Party is opposing the Order of Business today is because there exists a set of serious economic circumstances in Europe, currently concentrated in Greece, and at the heart of these problems, decisions are being made by private ratings agencies that are determining the credit rating of individual countries. The same ratings agencies have a very poor record and have got it wrong repeatedly before. There is a proposal before the EU summit tomorrow to consider the idea of a European independent ratings agency. This House should have the opportunity to discuss that proposal, should know whether our Government will support that idea or not, and whether the Taoiseach will advocate the idea at that summit.

We all want to be helpful to the Government on this issue. This is not something on which we want to have political division. There is a national interest. We want to have an agreed national position on this very important matter, but we can only do that if the Government is prepared to discuss the issue in the House in a mature, reasoned way. So far, there is no proposal for a discussion and the Bill to allow the Government make the contribution to the assistance for Greece will not be presented for three weeks.

Deputy Caoimhghín Ó Caoláin: I agree with colleagues on the importance of addressing Ireland's position on the proposed rescue package for Greece. However, there is also a pressing matter at home that needs to be addressed by the Minister for Finance in the Chamber. I raised an issue of national importance yesterday under Standing Order 32, namely, the loss of 900 jobs in the Quinn Group affecting people in Cavan, Navan, Blanchardstown, Cork and elsewhere on the island of Ireland.

An Ceann Comhairle: You are going on another tangent now.

Deputy Caoimhghín Ó Caoláin: I am not going anywhere. I am staying with my feet firmly on the ground at home.

An Ceann Comhairle: It is inappropriate for the Order of Business.

Deputy Caoimhghín Ó Caoláin: We will end up like Greece if we do not pay attention to it. A Cheann Comhairle, you rejected this matter of national importance, namely, the threatened loss of 900 jobs and the potential of further hundreds of job losses in the future. Deputy Crawford raised the issue again this morning under Standing Order 32, yet you rejected it as

[Deputy Caoimhghín Ó Caoláin.]

well. The Government has provided no opportunity to address this very important matter, not only for the workers concerned, their families or their communities, but also the interdependent community and the economy as a whole. If 900 jobs were to be lost in any other situation across this State, the Government would be responding on the floor of this House.

An Ceann Comhairle: We will have to provide for a new arrangement under the Order of Business if this is going to continue.

Deputy Caoimhghín Ó Caoláin: There is no provision to allow Deputies address important matters such as this. We will not agree to the Order Paper unless the Government indicates now that it is willing to have this matter substantively addressed on the floor of this House, either today or in the coming week at the latest. I ask the Tánaiste, the former Minister for Enterprise, Trade and Employment — although employment no longer appears on any Department or committee title since the recent reshuffle — to indicate to the House that she will allow an opportunity for us to address the debacle surrounding Quinn Insurance and the consequences for the workers and the economy as a whole. That is a matter we should be addressing in this House.

The Tánaiste: Following a request from the Greek authorities, the Finance Ministers in Europe agreed to activate a stability package for Greece. That is designed first and foremost to safeguard the financial stability of the EU and Greece. The discussion between the Heads of State tomorrow has to be finalised and as the Taoiseach pointed out in respect of our own legislation, any international agreement must be annexed to our legislation. That international agreement will not be finalised until such time as the Heads of State have completed their deliberations.

There may have been some mix-up in respect of timing with the Whips. The legislation will be coming before the Government on Tuesday, the debate in the House will take place the following week, and in the interim, Department officials and the Minister for Finance will be briefing the relevant spokespersons in the Opposition parties in preparation for that discussion.

Deputy Olivia Mitchell: It is a done deal.

The Tánaiste: We are proceeding on that basis.

Question put: “That the proposal for dealing with No. *a*11 be agreed to.”

The Dáil divided: Tá, 68; Níl, 65.

Tá

Ahern, Michael.
Ahern, Noel.
Andrews, Barry.
Andrews, Chris.
Aylward, Bobby.
Blaney, Niall.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
Byrne, Thomas.
Calleary, Dara.
Carey, Pat.
Collins, Niall.
Conlon, Margaret.
Coughlan, Mary.
Cregan, John.

Cuffe, Ciarán.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.
Dooley, Timmy.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Michael.
Flynn, Beverley.
Gogarty, Paul.
Gormley, John.
Grealish, Noel.
Hanafin, Mary.
Healy-Rae, Jackie.
Hoctor, Máire.
Kelly, Peter.

Tá—*continued*

Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P.
 Kitt, Tom.
 McEllistrim, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Mansergh, Martin.
 Martin, Micheál.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.

O'Dea, Willie.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Bannon, James.
 Behan, Joe.
 Breen, Pat.
 Broughan, Thomas P.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Connaughton, Paul.
 Coonan, Noel J.
 Coveney, Simon.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 English, Damien.
 Enright, Olwyn.
 Ferris, Martin.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Higgins, Michael D.
 Hogan, Phil.
 Howlin, Brendan.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.

McGinley, Dinny.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 O'Sullivan, Maureen.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P. J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Varadkar, Leo.
 Wall, Jack.

Tellers: Tá, Deputies John Curran and John Cregan; Níl, Deputies Paul Kehoe and Emmet Stagg.

Question declared carried.

Deputy Enda Kenny: When does the Government expect to introduce the Bill to allow for a directly elected mayor for Dublin? What is the position on holding a referendum on children's rights this year? This has been committed to. The all-party Oireachtas committee did a great

[Deputy Enda Kenny.]

deal of work on the matter and a proposed wording was agreed. Has the Government decided to hold such a referendum this year? When might we expect to see the legislation? When will the Government bring before the House legislation dealing with head shops?

The Tánaiste: Legislation on directly elected mayors will be this session. As the Taoiseach indicated yesterday in his response, the matter of the children's rights referendum is with the Minister of State, Deputy Barry Andrews. The Government has not made a final decision. Until such time as the Government has made that decision there will be no determination on when there will be a referendum. The heads of the legislation on head shops will come to Government next week and we will try to get it through as quickly as possible then.

Deputy Enda Kenny: Arising from the Tánaiste's second response, the Government has already committed to having a referendum. The work being done by the Minister of State, Deputy Barry Andrews, is to consider the agreed wording proposed by the Oireachtas committee, representative of all parties. Given that the Government has committed to holding a referendum, can we take it that referendum will be held in 2010 even though the Minister of State, Deputy Barry Andrews, is doing his work at the moment in considering the all-party committee's report? This will be a difficult referendum in some respects, but it is committed to and I support it very strongly.

The Tánaiste: Clearly the Government will make a decision on determining when that referendum should take place. However, as I indicated before — as did the Taoiseach — that matter has not been finalised by the Government yet. We will consider that once the Minister of State has completed his work. It is important for us to move ahead on the basis of what heretofore was an all-party agreement.

Deputy Enda Kenny: Am I right in saying the process is that the Minister of State will report to the Government on his deliberations on the wording of the all-party Oireachtas committee and the Government will then decide whether the referendum should be held this year?

The Tánaiste: The Government will make its decision on the appropriate way in which we can progress the matter.

Deputy Enda Kenny: The appropriate way is to determine a date for a referendum and get on with it. However, the Government is afraid to have that referendum along with three by-elections because it is terrified what the electorate will do to it.

The Tánaiste: We are not terrified, but the Deputy might be more terrified than some over here are.

Deputy Enda Kenny: We are not one bit terrified. The Government knows the game is up.

Deputy Fergus O'Dowd: The Government is for the chop and that is it.

Deputy Eamon Gilmore: Following on from Deputy Kenny's questions and the answers given by the Tánaiste, I do not understand what the Government is considering. There is all-party agreement on the wording for this referendum. Do I understand from the Tánaiste that the Government is reconsidering the wording of the referendum or is the issue the date for holding the referendum? If it is just the date for holding the referendum, what is the delay if it is not, as Deputy Kenny said, simply that the Government cannot settle on a date for the referendum because if there is a date for the referendum then the by-elections will need to be held and the last place the Government wants to be is before the people in an election contest?

On a related matter, the Joint Committee on the Constitutional Amendment on Children, chaired by Deputy O'Rourke, in its report of 11 September 2008 recommended that there should be legislation dealing with soft information and that legislation should be brought before the Houses of the Oireachtas in "the upcoming parliamentary session" — in other words by the end of 2008. I assume the national vetting bureau Bill is the relevant legislation on the legislative list. According to that list the heads of that Bill have not even been approved by the Government yet. What is delaying the preparation of the legislation that was promised in 2008 and was considered to be urgent? When will it be before the House?

The Tánaiste: All in this House agree that a constitutional amendment on children's rights should be seen as being beyond politics.

Deputy Pat Rabbitte: We raised that three years ago.

The Tánaiste: We should leave it there. A considerable amount of work was done by many Members of this House and there has been much deliberation. On that basis we want to proceed——

Deputy Emmet Stagg: Why has the Government not proceeded?

The Tánaiste: ——to ensure that the proper parameters are set. As the Deputy knows we need to establish a commission and other work needs to be done. That work is being progressed by the Minister of State and I will try to get a further update on a timeframe as the question has been asked twice this week.

The national vetting bureau Bill is complex legislation. It is being worked on as a priority with a view to getting the heads to the Government as quickly as possible.

Deputy Eamon Gilmore: Is the Government considering the wording of the referendum or the date? I thought the wording was agreed.

The Tánaiste: The Government has not considered the matter, people are not listening.

Deputy Eamon Gilmore: It has been going on for years.

The Tánaiste: This matter has not been finalised by the Government.

Deputy Pat Rabbitte: Deputy O'Rourke finalised it last year.

The Tánaiste: We are progressing with the Minister of State. There was an initial discussion arising from the work that was carried out by the committee and the Minister of State has been asked to set up the necessary requirements.

Deputy Olwyn Enright: The Minister of State was on the committee.

The Tánaiste: That is being worked on and when he has completed that work it will come back to Government and decision will be made on a date.

This is not Question Time.

An Ceann Comhairle: That is part of the problem we have on the Order of Business.

Deputy Eamon Gilmore: The Tánaiste just said the Minister of State has been asked to set up the necessary requirements. I do not understand that. For a referendum to be held, the Government must prepare a Bill.

An Ceann Comhairle: We cannot initiate a debate on this point on the Order of Business, it is inappropriate.

Deputy Eamon Gilmore: I am not initiating a debate, I am trying to find out the whereabouts of promised legislation, as I am entitled to do.

The Government has promised a referendum on the rights of children and a wording has been agreed on an all-party basis. The Tánaiste said the Minister of State has been asked to prepare the necessary requirements. The necessary requirement for a referendum is a Bill that is introduced to the House that approves the wording that has been agreed and then the Minister for the Environment, Heritage and Local Government sets the date. What is the Minister of State being asked to do? There is a template for this legislation, it is cut and paste. We have had legislation for constitutional amendments before, the Parliamentary Counsel could do this in his sleep. What is the problem?

Deputy Enda Kenny: The Government is asleep.

Deputy Pat Rabbitte: That is the job of the Parliamentary Counsel.

Deputy Enda Kenny: The Tánaiste's answer is far more suspicious.

An Ceann Comhairle: We have moved on.

Deputy Enda Kenny: She is saying that the Fianna Fáil members on the all-party Oireachtas committee do not speak on behalf of the Government.

Deputy Olwyn Enright: The Minister of State was on the committee.

The Tánaiste: It is now 11.15 a.m. and we will never get the business of the House dealt with. There are important things to be done. This is the second time in a row, last week and this week——

Deputy Enda Kenny: It will not be the last time either.

The Tánaiste: ——where Deputy Kenny puts his own interpretations that are factually incorrect on what I say.

Deputy Enda Kenny: This happened with the age of consent as well.

The Tánaiste: The Government has not decided on the date for the referendum. Work on the requisite legislation and the setting up of a commission is in hand, the Minister of State is dealing with the issue. When the Government decides on the date of the referendum it will be more than happy to come to the House and indicate the date thereof.

Deputy Enda Kenny: Will it take place in 2010?

The Tánaiste: All the members of the committee worked diligently and did a difficult job.

Deputy Olwyn Enright: They want to see the referendum.

The Tánaiste: They came together on the basis of what we want to see here. We will progress with the referendum but I am not in a position to give a date today.

Deputy James Reilly: Industrious futility.

The Tánaiste: The Government will decide the date.

Deputy Enda Kenny: Will it be in 2010 or 2011? I am not even asking for a date, just for a year.

An Ceann Comhairle: We must get away from debating these issues on the Order of Business, it is entirely inappropriate.

Deputy Pat Rabbitte: We are obviously getting away from the referendum on the amendment on the rights of children.

Deputy Caoimhghín Ó Caoláin: On the matter that has been raised by both of the other Opposition party leaders, I would indicate to the Tánaiste that there should be no fear in progressing the legislation and preparations for a referendum to enshrine children's rights in the Constitution.

An Ceann Comhairle: The Deputy is continuing the debate.

Deputy Caoimhghín Ó Caoláin: I encourage the Government to ensure the whole issue is addressed with some speed. If the Government adopts the wording as presented and unanimously agreed by the committee membership, I cannot see any difficulty in moving speedily to having this matter presented to the electorate this year. That is our expectation and I urge that it be done.

Regarding a matter I raised yesterday, in the terrible throes of the continuing stripping of services within the broad HSE remit——

An Ceann Comhairle: We spent some considerable time on this matter yesterday.

Deputy Caoimhghín Ó Caoláin: For heaven's sake. Will the Ceann Comhairle allow me to finish what I have to ask?

An Ceann Comhairle: This is not appropriate on the Order of Business. I can anticipate what the Deputy is going to say and I know it is out of order on the Order of Business.

Deputy Caoimhghín Ó Caoláin: The Ceann Comhairle was born with his finger on the salmon like Fionn Mac Cumhaill. The Minister for Health and Children has not been seen in this House this week. This is hugely important, the continued erosion of the entitlement to health care access of people on medical cards, and I make no apology repeating the point today that there is collective Cabinet responsibility to make that Minister accountable to this House.

An Ceann Comhairle: The Deputy will have to raise this matter with the Minister for Health and Children. The Deputy must resume his seat. This is an abuse of the Order of Business.

Deputy Caoimhghín Ó Caoláin: Dental services for public patients have been cancelled across the board today and yesterday. It is affecting the Ceann Comhairle's own constituents.

An Ceann Comhairle: I am aware of that.

Deputy Caoimhghín Ó Caoláin: Now we see a further announcement that 52 beds will be shut in Beaumont Hospital.

An Ceann Comhairle: The Deputy should put a question to the Minister for Health and Children, this is the Order of Business.

Deputy Caoimhghín Ó Caoláin: This is happening and there is no accountability in this House whatsoever. Does the Ceann Comhairle have any idea where the Minister for Health and Children is?

An Ceann Comhairle: The Deputy must resume his seat.

Deputy Caoimhghín Ó Caoláin: I will resume my seat but I am making it clear that this Government cannot continue to hide behind the apron of the former leader of the Progressive Democrats, now an Independent Member,—

An Ceann Comhairle: The Deputy is abusing the latitude I have afforded him.

Deputy Caoimhghín Ó Caoláin: —and dodge the responsibility of the continued diminution of health services, which rests with the Tánaiste's own party, with Fianna Fáil.

An Ceann Comhairle: The Deputy must resume his seat. I am calling Deputy Fergus O'Dowd.

Deputy Fergus O'Dowd: The Minister for Transport stated yesterday that CIE had not informed him about the three year delay with the DART interconnector, that is being built on foot of a Government decision.

An Ceann Comhairle: That is out of order on the Order of Business.

Deputy Fergus O'Dowd: It will cost €2 billion and carry up to 100 million passengers when it is built. Who is running the Department of Transport, the Minister for Transport or CIE? Iarnród Éireann has decided to delay the project for three years.

An Ceann Comhairle: This is completely out of order. Even allowing the fact the Deputy is from the same constituency, I cannot allow him to continue.

Deputy Fergus O'Dowd: This is a Government decision but it is not going ahead.

An Ceann Comhairle: The Deputy must find another way to raise it, he should submit it for an Adjournment Debate next week.

Deputy Fergus O'Dowd: The Government must be accountable for its decision making. Almost €2 billion has been allocated but CIE has said it will not be spent for three years. Is the Government going to tell CIE to spend the money and build the interconnector or not? Is the Minister in charge or not? What is going on? The Minister has been snubbed by CIE.

An Ceann Comhairle: The Deputy must find another way to address this matter, it is not promised legislation.

Deputy Fergus O'Dowd: It relates to the Planning and Development (Amendment) Bill and the most important project under Transport 21, which CIE has received money for and it is not now going to build the interconnector.

An Ceann Comhairle: The Deputy must resume his seat.

Deputy Fergus O'Dowd: Is the Tánaiste not going to respond?

Deputy James Reilly: On the same matter, and it is promised legislation under No. 96, Planning and Development (Amendment) Bill.

An Ceann Comhairle: The Deputy is completely out of order if he intends to pursue this matter.

Deputy James Reilly: If the Ceann Comhairle allows me to finish I will be very brief and we can move on with the business of the House but if he keeps interrupting we will be here for a lot longer.

Notwithstanding what Deputy O'Dowd has already raised as a serious issue, a Minister who is not in control of his brief, or a semi-State agency that gives two fingers to the people through its representative, the Minister——

An Ceann Comhairle: The Deputy can make those points another time.

Deputy James Reilly: ——I want to know the implications this will have for metro north. Will it be delayed as well? Who is in charge in this country? This is one of the core reasons people have lost faith in the Government, there is an ability to govern and to control the semi-State bodies and the people they appoint to them.

An Ceann Comhairle: This is not promised legislation, the Deputy will have to raise this matter directly with the Minister for Transport.

Deputy James Reilly: I also want to ask about other legislation, related to the issue raised by Deputy Ó Caoláin and the bed closures at Beaumont Hospital, namely, the eligibility for health and personal services Bill. Will the Minister tell us what is the point in having a fair deal that releases people to long-term care so the Government can close down the very beds that are made available? A Member of this House spent several hours in Beaumont last night and was not impressed with the service. I can tell the House it was a Member of the Government.

An Ceann Comhairle: Elaboration is not necessary.

Deputy James Reilly: Can I put it to the Tánaiste——

An Ceann Comhairle: I will have to adjourn the House if I do not get some co-operation.

Deputy James Reilly: ——that the way the Minister for Health and Children gives with one hand while taking away with the other is causing hardship to patients, resulting in longer waits on trolleys, more cancelled operations and more people suffering unnecessarily?

An Ceann Comhairle: The Deputy must resume his seat, he is completely out of order.

Deputy Jan O'Sullivan: On the same matter——

An Ceann Comhairle: I will come to the Deputy later. I call Deputy Bernard Durkan.

Deputy Jan O'Sullivan: I raised the eligibility Bill yesterday in respect of the erosion of rights of people to dental treatment. They have a right to this. It is the same issue as——

An Ceann Comhairle: I do not contemplate having a full-scale debate on these issues every morning on the Order of Business.

Deputy Jan O'Sullivan: The rights of people for health services have been eroded completely by the current Minister.

An Ceann Comhairle: There are several other ways to raise the matter and the Deputy knows this.

Deputy Jan O'Sullivan: There is a Bill on the Order Paper and some way off, in the distant future, we will ask——

An Ceann Comhairle: Deputy, please resume your seat.

Deputy Jan O'Sullivan: ——why people's rights are being eroded.

An Ceann Comhairle: The Deputy should resume her seat and raise the matter with the Minister for Health and Children.

Deputy Jan O'Sullivan: I ask that the Minister come into the House to talk to Opposition spokespersons because we are increasingly frustrated. We cannot get what we need in our health services.

An Ceann Comhairle: The Deputy must resume her seat or I shall adjourn the House because we cannot have this level of disorder every morning.

Deputy Bernard J. Durkan: I support my colleagues on that issue. Can it be arranged for the Minister for Health and Children, Deputy Harney, to appear in the House occasionally for the Order of Business so that Members could address those issues?

Deputy Joan Burton: Ministers are visitors, like swallows.

An Ceann Comhairle: It is not allowed to ask questions of the Minister for Health and Children on the Order of Business. Let us not think of that as a solution.

Deputy Bernard J. Durkan: I ask the Ceann Comhairle if it might be possible to make an appointment with her?

An Ceann Comhairle: There can be parliamentary questions for the Minister for Health and Children.

Deputies: She never answers them.

Deputy Bernard J. Durkan: The delivery of health and social services legislation is a matter I have raised, as has every other Member on the Opposition benches in recent months, with as much success as we have in changing the weather. We now must appeal to the Ceann Comhairle to use his influence, as president of this Chamber, to try to ensure that a number of Ministers, who are particularly recalcitrant, come into the House and address the issues they are supposed to address.

I have a question on a piece of legislation, in which the Ceann Comhairle might have an interest, regarding the transposition of various EU directives into Irish law. There are a number of such proposals on the legislative programme now which have been there for some time. I have asked questions about them in the House on the Order of Business. This seems to go on for ever and the Taoiseach gets bored when I ask the questions so I shall ask the following one again.

The publication of the proposal to transpose the EU framework directive on the European evidence warrant for obtaining objects, documents and data for use in criminal proceedings is expected in late 2010. When will that Bill be published? Has it been discussed at Cabinet or

has any mention of it been made? Has any discussion taken place as to the possible relevance of——

An Ceann Comhairle: We do not need the elaboration. We will make inquiries as to the position regarding the legislation.

Deputy Bernard J. Durkan: I am entitled to know what has happened. We keep asking the same questions and keep getting the same——

An Ceann Comhairle: The Deputy is not entitled to ask detailed questions on the Order of Business.

Deputy Bernard J. Durkan: I am not asking a detailed question. I ask simply what has happened in regard to the issue. That is my first question. The second concerns the postal services Bill, which is similar. It is to transpose EU directive 2008/EC which provides for the completion of the liberalisation of the postal sector in Ireland by 1 January 2010 and the consolidation of all previous postal legislation.

Again, I have tabled questions for the line Minister who refuses to answer them.

An Ceann Comhairle: The Deputy has posed the question to the Tánaiste. We will make inquiries——

Deputy Bernard J. Durkan: I have not finished.

An Ceann Comhairle: ——about this promised legislation and will see what is the position.

The Tánaiste: The heads of the postal services legislation are being drafted at present. Regarding the first legislation mentioned, I caught only half of what the Deputy asked because of his enthusiasm. However, he answered it himself, saying 2010. I assume that is his answer. I could not catch the rest.

An Ceann Comhairle: The Deputy had a third piece of legislation in mind.

The Tánaiste: I do not need a second chance to answer. The Deputy answered for himself.

An Ceann Comhairle: Let us focus on the business in hand.

Deputy Bernard J. Durkan: The Tánaiste is an experienced Member of this House and the Ceann Comhairle is a very experienced Member. They should know that we always have an inkling as to the answer but we like to be reassured, occasionally.

I have a question concerning which the Ceann Comhairle might have an interest, namely, the Sea Fisheries and Maritime Jurisdiction (Fixed Penalty Notice) (Amendment) Bill, amending current legislation to allow the loughs agency to have primacy in Loughs Carlingford and Foyle and to allow for the use of fisheries protection tools in an environmental context.

I believe the Ceann Comhairle knows about that legislation and is watching it very carefully. I ask the Tánaiste when that legislation will be brought into the House. Has it been discussed?

Deputy Seán Power: It is a big issue in County Kildare.

Deputy Bernard J. Durkan: Have the heads been drawn up or are they being drafted at the moment? Are the Government and the Tánaiste fully aware of the wider implications of that legislation?

The Tánaiste: I am acutely aware of that one. There is no date for that piece of legislation.

Deputy James Bannon: As a representative for Longford-Westmeath in the proposed Shannon River basin district, an area which relies on recreational fishing for the tourism industry, I ask the Tánaiste when we may expect the inland fisheries consolidation Bill to be published and brought before the House for debate. As the Tánaiste will know, the tourism industry in the midlands is on its knees as we speak. Fewer visitors are coming to our country. The Government has reneged on promises made a number of months——

An Ceann Comhairle: We will make inquiries for the Deputy.

Deputy James Bannon: ——and years ago in regard to the development of this valuable industry.

The Tánaiste: Next year.

An Ceann Comhairle: The Tánaiste advises this will happen next year.

Deputy Joan Burton: Is the Tánaiste committed to a debate next week in the House in respect of decisions that will be taken by the Heads of Government at the leaders' meeting in Brussels tomorrow concerning Greece and the financial situation in Europe?

One item for discussion tomorrow concerns not merely a European ratings agency but a supposed agreement by the Heads of Government——

An Ceann Comhairle: That is a question for the Minister for Finance.

Deputy Joan Burton: I believe the Minister for Finance was not able to go to the meeting of Finance Ministers earlier this week.

An Ceann Comhairle: His Department will have direct responsibility for this matter.

Deputy Joan Burton: I am sorry. Under the Lisbon treaty there is an obligation on the Taoiseach, as head of Government, to come into the Dáil before he goes to leaders' and governmental meetings and inform the House of the stance the Irish Government proposes to take. That is why the people voted twice in regard to the Lisbon treaty. I ask——

An Ceann Comhairle: We will not reignite the debate on this matter, at this point.

Deputy Joan Burton: ——a very simple question. I want to know what position the Irish Government is taking in regard to hedge funds and private equity regulation within Europe in the context of the frenzy of speculation taking place——

An Ceann Comhairle: Submit the matter for consideration on the Adjournment this evening.

Deputy Joan Burton: ——against Government bonds and debt in various countries.

An Ceann Comhairle: We cannot debate it at this stage. We had this matter earlier on the Order of Business and the Deputy knows this because she was present.

Deputy Joan Burton: I am the Labour Party spokesperson on finance. I ask the Minister if she has committed on behalf of the Government to a debate or discussion next week.

I have a second question, which is related, if the Ceann Comhairle will bear with me. I understand it will take at least three weeks to have the legislation regarding Ireland supporting a package for Greece. What is the timeframe for this legislation? Has a constitutional opinion

been received from the Attorney General on the implication of such legislation, the powers of the European Union and the Irish Constitution *vis-à-vis* such an arrangement? These are perfectly reasonable questions about very important legislation.

An Ceann Comhairle: They are. However, the Deputy must realise that she cannot ask those detailed questions on the Order of Business.

Deputy Joan Burton: It is not a detailed question.

An Ceann Comhairle: This applies to her good self and to other Members of the House. The questions should be posed directly to the Minister for Finance.

Deputy Joan Burton: It concerns the timing of a discussion the Minister seemed to acknowledge and the forthcoming legislation. It is perfectly in order.

The Tánaiste: The legislation is going to the Government on Tuesday and will be debated in this House the following week. As I indicated, the Minister for Finance will brief his colleagues next week in the context of preparation for that legislation.

An Ceann Comhairle: I call Deputy Rabbitte.

Deputy Joan Burton: I am sorry. That is not satisfactory. These are some of the most momentous decisions and, basically, we are told nothing.

An Ceann Comhairle: The Deputy received the answer.

Deputy Joan Burton: It will be two weeks before we have a discussion.

An Ceann Comhairle: The Deputy is depriving her party colleague of the floor of the House. I ask her to resume her seat.

Deputy Joan Burton: What was the Lisbon treaty referendum for?

The Tánaiste: That is irrelevant.

An Ceann Comhairle: Deputy Burton, resume your seat.

The Tánaiste: The debate will take place the week after next.

Deputy Pat Rabbitte: Before he left the House, Deputy Noonan suggested we might have to apply for an order of *habeas corpus* to have the Minister for Health and Children brought before the House. I support that.

Concerning the referendum announced by the Minister for Justice, Equality and Law Reform, Deputy Ahern, on blasphemy, can the Tánaiste tell me whether that will be held in conjunction with the referendum on the rights of the child or will it be held before or after it? Is there a date for this referendum or was it just a stunt by the Minister?

The Tánaiste: There has not been a decision on that matter.

Deputy Pat Rabbitte: So it was just a stunt. That is agreed.

Deputy Olwyn Enright: I wish to raise two issues. What oversight exists when a company is awarded a major State contract and does not pay its employees? I refer to a strike at the moment on the M7 construction project.

An Ceann Comhairle: The Deputy sounds like she is going down the road of being out of order.

Deputy Olwyn Enright: It comes under the Industrial Relations (Amendment) Bill 2009. There are several employees on that project who have not been paid for five weeks. They cannot pay their mortgages or feed their families. No other money is available; they cannot go to a community welfare officer because they are technically employed. When a major company is awarded a contract——

An Ceann Comhairle: This is not appropriate to the Order of Business.

Deputy Olwyn Enright: ——of this type, what does the Minister for Transport do to ensure the staff are paid?

An Ceann Comhairle: The Deputy should submit it for consideration on the Adjournment.

Deputy Olwyn Enright: That is the first issue, which is relevant either under the Planning and Development (Amendment) Bill or the Industrial Relations (Amendment) Bill. The second issue relates to the comments of Deputies Kenny and Gilmore on vetting and soft information. This relates to the Tánaiste's brief as well. Is she aware of the significant delays in people obtaining vetting through the bureau in Thurles and what plans are in place to address the issue? A large number of people are unable to get employment because they cannot get the vetting done in time. The voluntary sector comes in under this legislation as well.

The Tánaiste: As previously indicated, the vetting legislation is very complex and complicated but it is a high priority and is being dealt with by the Minister and his staff. The industrial relations legislation is awaiting Committee Stage and on the specific issue, perhaps the Deputy could speak to the Minister of State, Deputy Dara Calleary, so that he might facilitate her.

Deputy Terence Flanagan: Does the Government have any plans to help the 20,000 or so homeowners whose homes are crumbling and cracking severely because of pyrite in the foundations?

An Ceann Comhairle: The Deputy should take this up with the appropriate Minister rather than the Tánaiste.

Deputy Terence Flanagan: Will any legislation be introduced to help these people? It is a catastrophe.

The Tánaiste: There is none planned at the moment.

Deputy Lucinda Creighton: When does the Government plan to bring forward proposals for Oireachtas reform? There has been much rhetoric from the Government for many years and we have been promised, at least in theory, that legislation will be brought forward and concrete proposals will be brought before the Houses.

It is telling that at the end of the Order of Business today there are 12 Deputies in the Chamber. The public perception is that Deputies are not working when not present in the Chamber but the reality is that approximately five committees meet at the same time as the plenary sitting of the Houses. That perception is wrong and it is a serious indictment of the Government and how it continually commits to reforming how the Houses work and improving the way it does business to make it more efficient. It is high time this essential action happens, particularly at a time when public confidence in politics and the political system is at an all-time low.

It is appropriate that Members be allowed to conduct their business in an efficient fashion and be allowed to be productive in the Houses. Members are entitled to be in the Chamber for the Order of Business and are equally entitled and expected to participate fully in committees while they are in session. I urge the Tánaiste to provide some sort of impetus at Cabinet level so that we can see meaningful reform of these Houses.

The Tánaiste: The Whip will deal with that matter.

Membership of Committees: Motion

Minister of State at the Department of the Taoiseach (Deputy John Curran): I move:

That Deputy Ciarán Cuffe (Minister of State at the Departments of Transport, Agriculture, Fisheries and Food and Environment, Heritage and Local Government) be discharged from the Committee on Procedure and Privileges and that Deputy Trevor Sargent be appointed in substitution for him.

That Deputy Ciarán Cuffe (Minister of State at the Departments of Transport, Agriculture, Fisheries and Food and Environment, Heritage and Local Government) be discharged from the Joint Administration Committee and that Deputy Trevor Sargent be appointed in substitution for him.

Question put and agreed to.

Private Members' Business

Ministerial Pensions: Motion (Resumed)

The following motion was moved by Deputy Richard Bruton on Wednesday, 5 May 2010:

That Dáil Éireann calls on the Government to introduce legislation to cause, with immediate effect, the cessation of the payment of Ministerial pensions to members of both Houses of the Oireachtas.

Debate resumed on amendment No. 1:

To delete all words after “Dáil Éireann” and substitute the following:

- takes note of the Government’s actions to deal with the economic crisis;
- recognises the budgetary measures taken by the Government to stabilise the public finances;
- notes the reduction in the number of Ministers of State and the reduction in staffing of Ministers’ offices;
- acknowledges the extensive efforts of the Government to secure solidarity among the social partners;
- recognises the measures taken in the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices Act 2009 which reduces the ministerial pensions of sitting members of either House of the Oireachtas by 25 per cent and provides that payment of such pensions to sitting members will cease after the next general election;

- notes the Attorney General’s advice that the immediate and total abolition of pensions for a single category of pensioner would be unconstitutional; and
- notes that many sitting members of the Houses of the Oireachtas and the European Parliament and others have made a gift of their ministerial pensions to the Minister for Finance for the general benefit of the Exchequer.”

—(Minister for Finance, Deputy Brian Lenihan.)

Deputy Seán Power: I wish to share time with Deputies Conlon, White, O’Rourke and Treacy.

An Ceann Comhairle: Is that agreed? Agreed.

Deputy Seán Power: We are living in very difficult times and very few families are living as comfortably as they did 12 or 24 months ago, either through changes in employment or reduced incomes. Most families are finding it difficult. Whether a party is in Government or in Opposition, strong leadership is required.

An Ceann Comhairle: I understand Deputy Lucinda Creighton was in possession at the conclusion of last night’s debate and she had ten minutes remaining. The Deputy will come in immediately after her.

Deputy Seán Power: Excusez-moi, s’il vous plaît.

Deputy Lucinda Creighton: I am impressed at how anxious Deputy Power is to speak on this very important motion. I appreciate having the opportunity to make my small contribution to this debate. This is an extremely important issue and follows on from the point I made on the Order of Business about the urgency and the impetus required to restore some degree of public confidence in the political system and integrity into political life. Everybody in the House is aware that politics has been damaged from the perspective of the Government and the Opposition. The public has lost confidence in politics and is cynical. In many instances people are rightly cynical and disappointed because they feel let down by the political system. It is essential that we restore some degree of moral authority.

In the context of our current budgetary position and the fiscal corrections which will inevitably have to take place this year, the impetus to achieve some degree of moral authority for the Government and politics in general becomes even more pressing. We are all aware that we face a very difficult budget again at the end of this year on top of last year’s budget which saw €4 billion in savings. We expect similar savings to be proposed by the Government in the coming budget in December or perhaps sooner.

For that very difficult pill to be swallowed by the public, it expects and deserves some leadership at Government level. It would make that bitter pill slightly more acceptable. The Government cannot afford to apply double standards to this and that is why this Private Members’ motion is so important. People can see that politicians are well paid, which is correct, and Ministers are particularly well paid. I do not disagree with that. To see people in positions where they are very well paid with taxpayers’ money and simultaneously drawing down pensions while serving in office is unacceptable. I have always found this unacceptable and not just because the issue has been whipped up by the media in recent weeks. Since I have participated in politics, I considered this unacceptable.

I am pleased we have reached a point where the issue is now in the public eye and under the media microscope. The Fine Gael proposals are very simple and modest and despite what the Government has said, they are constitutional. It is important to make that point. This is a House of Parliament, which is designed as a Legislature with the capacity and authority to

legislate. There is no constitutional case to be made against the Legislature legislating on political remuneration. I reject out of hand any suggestion on the part of the Government that the proposal to stop or prohibit ministerial pensions being paid to serving Members is unconstitutional.

We must go beyond the proposals before the House today. The Government must legislate to prevent all public pension payments to Oireachtas Members. Any Member of these Houses in receipt of a public pension — whether as a former member of the Garda Síochána or as a teacher — should not continue to receive it while drawing down a public salary. That is not to say that people have not legitimately accumulated and properly contributed to pensions for retirement. They are entitled to such pensions, although not while drawing a significant salary in this House as a Member or as a Minister. Those payments must be also frozen. I am conscious that not everyone will agree with me. People on both sides of the House would have difficulty with it because they believe they have legitimate expectations. There is a legal argument in that respect, but there is no moral argument. Anyone drawing down a salary of €100,000 plus should not be in receipt of a public pension. It is not good enough to say that people should voluntarily forgo pension payments. Legislation needs to be introduced to prevent the payments for serving Members. When they retire, they could receive their pension payments just as other retired public servants are entitled to do.

We need to stand up to some of the criticism of politicians and to the media hype concerning politicians' legitimate salaries. This is an important point. The perception is that we, as Members of the Houses of the Oireachtas, have taken no pay cuts and have not been affected in any way by the measures introduced since finding ourselves in recession almost two years ago. This is not correct. Every Deputy has been subject to the pension and income levy and all of the other levies applied to the public sector. It is right and proper that we accept our fair share of the pain and the blame.

The opinion that politicians should not be paid to a reasonable standard is wrong. Reverting to a situation in which politics is only possible for the rich would be a dangerous prospect. People such as me and many of my colleagues on both sides of the House, who entered politics at a young age and did not have vast empires or the opportunity to earn large sums over many years beforehand, would have been prevented from entering politics. It is important to point out that politics must be accessible to people from all walks of life, that they should be able to put their names forward for election and that they should have a prospect of reasonable remuneration upon election, given the opportunities they will necessarily forfeit. Politics should be representative and this House should be representative of the general population. The more we can reflect normal society in the Chamber, the more legitimate and accountable political life will be.

Anyone in receipt of a significant salary in the House, be he or she from any sector of public life, should not be entitled to draw a public pension. This is an important principle that we need to apply in the House and across the public sector. Yesterday, I submitted a series of parliamentary questions to every Department, the responses to which were, to put it mildly, less than accountable and transparent. I asked every Department the number of former public servants who had been appointed or employed as political advisers, spin doctors, etc. to Ministers and Departments. Bar the Department of Foreign Affairs, every Department refused to answer this simple question. If we are discussing governance in an age of transparency and openness, the openness that applies to Ministers and other elected representatives should apply to those employed to advise them and perform their media work, namely, the spin doctors and handlers in the background. As we are all aware, quite a number of these people employed in various Departments are retired from other walks of life in the public sector. Such people should be accountable. Many of them are better paid than Deputies. If they are in receipt of

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major public salaries, they should not be drawing down pensions from previous public employment. It is a double standard and inconsistent to suggest that these principles should apply to Deputies and Ministers, but not to spin doctors and handlers. Every Department should reassess its position in this respect.

Deputy Seán Power: I apologise for getting off to a false start earlier.

An Ceann Comhairle: I thank the Deputy for his co-operation.

Deputy Damien English: They use that in racing terms.

Deputy Seán Power: As I informed the Ceann Comhairle, I will be sharing my time.

An Ceann Comhairle: To speakers will be Deputies Conlon, O'Rourke and Treacy and the Minister of State, Deputy White.

Deputy Seán Power: The majority of families are finding the going difficult. Whether it is due to a lack of employment, reduced incomes or so on, they are feeling the pinch. Whether one is in government or opposition, strong leadership is required. It is important that Deputies, in our actions and whatever words we utter, be sincere and responsible. We are in a privileged position and it is important to treat it in that way. In these difficult times, it is also important that we give the people hope and that we make the House and the discussions held in it relevant to the people who put us here in the first place.

In dealing with the motion before the House, we should remember 10 October 2008 when Deputy Kenny, as Leader of the Opposition, held a pre-budget press conference. He was flanked that day by Deputies Bruton and O'Donnell. Obviously without any consultation, he announced that he had written to the Paymaster General asking for a 5% pay cut. This was done with no consultation within his party.

Deputy Damien English: It is called leadership. The Deputy might not be familiar with the term.

Deputy Seán Power: Maybe it is, but the Deputy should let me finish.

Deputy Paul Gogarty: When I asked for it, Deputy Kenny called it pompous nonsense one week later.

Deputy Seán Power: Deputy Kenny got word that the Government's intention was for the Minister, Deputy Brian Lenihan, to announce on 14 October a pay cut for Ministers. Wanting to be the first out of the traps, Deputy Kenny decided he would go for 5%.

Deputy Damien English: That is not true.

An Ceann Comhairle: Deputy Seán Power without interruption.

Deputy Seán Power: I will read it for Deputy English.

Deputy Damien English: I must defend my leader.

Deputy Paul Gogarty: Deputy Kenny only did that after I called for it, when he called it pompous nonsense.

Deputy Seán Power: On 11 October, *The Irish Times* wrote: “Afterwards Mr. Kenny was heard to say to his colleagues: ‘Sorry to land you in that there.’” It also wrote: “Out of seven senior figures available for comment last night, only three said they would follow the leader’s example.”

Deputy Damien English: What is the Deputy trying to say? I am missing his point.

Deputy Seán Power: That type of knee-jerk reaction is typical of what the country does not need, but it is what we are dealing with again today. The issue of current Members receiving ministerial pensions has often been discussed in recent years. Some Members in this and the Upper House decided to forgo their pensions while they were still in receipt of Dáil or Seanad salaries. In a number of cases, this was done quietly and with little fuss. Following the appointment of Máire Geoghegan-Quinn as a European Commissioner, the issue returned to centre stage. The focus was not solely on her, but also on many former Ministers who were still Members of this House or the Seanad. In many respects, they were pressurised into making hasty decisions.

Whether in newspapers or on the radio, this issue got considerable coverage. On Tuesday of last week, Deputy Kenny rose in the House and stated:

Today, the Fine Gael Party has published a Bill that would immediately terminate the payment of ministerial pensions to serving Members of the Oireachtas. My challenge to the Taoiseach is to accept the Fine Gael Bill and thereby put an end to this practice for once and for all, in the interests of all concerned. The relentless pursuit of individuals could then finally be dealt. If this proposal is not accepted, I intend to place our Bill before the Dáil during next week’s Private Members’ business...

I have not seen this Bill anywhere. Has anyone seen it?

The motion before the House is typical of Deputy Kenny. It is a knee-jerk reaction. Deputy Kenny says the popular thing — what he thinks the people want to hear.

Deputy Damien English: If the Deputy recalls, Deputy Kenny first commented on this issue some months ago.

Deputy Seán Power: Where is the Bill which, as he informed the House last week, he proposes to introduce? Deputy Kenny was definite that such a Bill would be forthcoming.

Deputy Damien English: Deputy Kenny has such a Bill.

Deputy Seán Power: If that is the case, Deputy Kenny must be keeping it to himself. It is his little secret. That is not the type of leadership the country needs or deserves. It is obvious that Deputy Kenny cannot differentiate between what the country needs and what it wants.

Members have dealt with this matter in their own way. A great deal of attention has focused on former Ministers, most of whom have taken action. There are still a few individuals who have yet to make decisions. In many respects, the debate on this motion is a non-event. The debate we were promised last week has not emerged and instead we have been presented with this motion.

The Minister for Finance has outlined the Government’s position in respect of this matter. It is important to note that we took action in a number of areas following the decision of 14 October 2008 under which Ministers agreed to a reduction in their salaries. Deputy Creighton outlined the changes that have been introduced in respect of Deputies’ salaries and it is also worth noting that the expenses regime has also changed to a significant degree. It was important

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that such changes were made. There is little point in our pontificating to ordinary people and asking them to make sacrifices if we are not prepared to take the lead in this regard. I accept Deputy Creighton's point that it is vital to make the conditions attaching to membership of the Dáil sufficiently attractive in order that good people might be encouraged to become Deputies.

The motion before the House is pointless and serves little purpose. There are many more important issues which could have been dealt with. I am disappointed Fine Gael decided to waste an opportunity to tackle one of these and instead chose to move this motion on ministerial pensions.

Deputy Margaret Conlon: I welcome the opportunity to contribute to the debate on this matter. Like many other Members, in 2007 I ran for election for the first time. I was honoured to be asked to put myself forward and I was equally honoured to be elected. My motivation in seeking election had nothing to do with money. I already had a good, secure and pensionable job with which I was happy. My motivation then — it remains the same now — revolved around a desire to assist people and represent them at national level to the best of my abilities. Like Deputy Seán Power, I consider it a privilege and an honour to be a Member of this House. When I was elected I had no idea of the level of salary I would receive.

Since the 2007 election, things have changed dramatically. Unemployment is rising, there are difficulties with the banks and we are in the midst of the worst economic recession the country has faced. Everyone, without exception, is feeling the pinch. Families have made sacrifices and for many, getting by on a daily basis represents a major challenge. Deputies have also made sacrifices. The media and members of the public do not appear to be aware of this. As Deputy Creighton stated, we were also subjected to the pension levy, our expenses have been reduced, our increments and allowances for committee work have been abolished and the allowances for chairing committees have been halved. In addition, the income levy introduced this year means that our permanent salaries have been reduced.

Like all other workers, we have played our part. I am not making a song and dance about that fact and I am not stating that we should not have accepted the changes that were made. We need to continue to show leadership. All I am doing is placing the facts on record.

I agree that the issue of ministerial pensions should be debated. However, it should be discussed in this House in a reasoned and balanced manner and not on the airwaves or in the print media. Some thought and consideration must be given to the individuals involved and their personal circumstances. No one knows what circumstances might obtain in another individual's family life or in his or her home.

Many Members have already made a voluntary gift of their pensions to the State. They did so in the absence of any populist headlines or fanfare. I wish to acknowledge that fact and also the contribution these people have made to the Exchequer. I listened to the contribution by the Minister for Finance and I must acknowledge that he considered every possible option in respect of ministerial pensions. However, he was advised by the Attorney General that it was not possible to coerce people into surrendering such pensions. It would be foolhardy of any Government to ignore legal advice. The Attorney General stated that to end pension payments for people who have clear rights to such pensions would be to discriminate against them and would also be unconstitutional. The Government has legislated, in a reasoned and proportionate way, to reduce ministerial pensions now and to eliminate them following the next general election.

If I were a very wealthy woman — I am not — and could come to work in the House each day but collect no salary and perhaps even make a financial contribution as I came through the front door, would people be happy? What message would it send to the public that only

wealthy individuals have an entitlement to represent the people in this House or that only the former could perform a legislative function? That would be a dreadful message to send out. Everyone has a right to aspire to hold political offices if that is what he or she wishes to do. If only the wealthy were in a position to be Members of the House, that would be to the detriment of political life. I, for one, would not be a Member in such circumstances.

Every Member of this House works extremely hard. It is only when one works here among other elected representatives that one sees how hard people work. I am of the view that every Member of the House has integrity and possesses a genuine desire to make a contribution to society and to political life. Members are decent people who want to do good for those they represent. In recent months, however, there has been a lowering of the tone in respect of political life. It is sad that politicians and politics are being demeaned. What have we done to ourselves?

I recently saw a headline in a local newspaper which stated that I was in receipt of a six-figure pension. That was news to me and I was startled when my husband inquired with regard to where I was hiding all the money. I will not be entitled to a pension until I reach the age of 68. If people in the print media are going to run with a story, will they please ensure that their facts are correct? If they get the facts wrong, that does nothing to aid the cause of Members.

I am extremely saddened by the fact that Members appear to have lost all respect for each other during the wider debate on this matter. That is most regrettable.

Minister of State at the Department of Justice, Equality and Law Reform (Deputy Mary Alexandra White): Mo bhuíochas do na comhleacaithe a thug deis dom a bheith páirteach sa díospóireacht seo.

I welcome the decision — taken less than a week ago — of Fine Gael Deputies to voluntarily give up their ministerial pensions. This was the most practical and effective remedy advocated by my party's leader, the Minister for the Environment, Heritage and Local Government, Deputy Gormley. I welcome a similar decision that was taken by senior Labour Deputies last week.

The Green Party has always believed that pensions are earned during one's working life and are paid when one ceases to work. We have always objected to sitting Members of the Dáil and Seanad also being paid so-called "pensions". Such a scenario is a travesty at any time, even during years of economic boom. At a time when ordinary working people are suffering, it is reprehensible. We have never benefited from that system. However, senior politicians of many parties — including those from Fine Gael and Labour — did benefit from these dual payments.

We always supported ending the practice of sitting Deputies and Senators claiming pensions. However, the legal advice received by the Government last year — which was renewed in recent weeks — indicated that ending this practice by the legislative route would give rise to a legal minefield. We were obliged to accept that these pensions could be only reduced and not abolished. Our leader, Deputy Gormley, always said there was a simple remedy in this regard, namely, instead of talking about new laws, those receiving such pensions could simply give them up. Many politicians did that some time ago and last week, senior figures in this House, including those in the sponsor party of this motion, did so. Effectively, they took Deputy Gormley's advice of almost one year ago, which I welcome.

I am far less impressed by the belated and bogus attempts by Fine Gael and Labour to seize the moral high ground on an issue they neglected for decades in government and opposition. Fine Gael and Labour were in government for a large portion of the 1980s and 1990s. While they could have reformed the system then, they did not. For many years but in particular for

[Deputy Mary Alexandra White.]

the past year, they could have led by example on this vexed issue and voluntarily given up such pensions. However, many of their Members preferred to call for new laws that they knew to be problematic. What a cynical device that was and the motion under debate takes such cynicism to a new low. Deputy Kenny should have listened to my colleague, Deputy Gogarty, who called for pay cuts for Ministers and Deputies. However, the leader of Fine Gael, Deputy Kenny, dismissed it as “populist nonsense”. One week later, sensing public opinion, Deputy Kenny changed his mind. However it was too late as the Government already had decided to take the initiative. For weeks there was silence from Fine Gael on pensions. Now however, running with the hare and hunting with the hounds, this populist motion has crawled forth, ignoring all constitutional barriers.

Deputy Michael D’Arcy: One is not allowed hunt any more. Hunting has been banned.

Deputy Mary Alexandra White: If Deputy Kenny wants to show real leadership——

Deputy Michael D’Arcy: One is not allowed to hunt.

An Leas-Cheann Comhairle: Allow the Minister of State to speak.

Deputy Mary Alexandra White: ——he will stop his party from taking corporate donations——

Deputy Paul Gogarty: Hear, hear.

Deputy Mary Alexandra White: ——and will own up to Fine Gael’s role in the property bubble and the speculator-driven economic crisis we face today.

Deputy Mary O’Rourke: Hear, hear.

Deputy Mary Alexandra White: I ask Fine Gael and Deputy Kenny to give up corporate donations now before the Green Party measures in the new revised programme to Government does it for them. They will come down the track very shortly. Real leadership is about taking hard decisions despite them causing difficulties. This is the reason the Green Party is leading in Government while Fine Gael sits in opposition.

Deputy Mary O’Rourke: I am glad to add my piece to what I call an intensely bogus debate.

Deputy Mary Alexandra White: Hear, hear.

Deputy Mary O’Rourke: I do not wish to be a member of the e-mail address of *prurience.ie*. I never did and I never will. Prurience is an ugly characteristic that will extend from financial matters to sexual matters or to whatever one wishes. However, it is not a characteristic towards which I aspire, nor ever I did. It is an ugly thing in which to be involved. Equally, I believe this debate to be so bogus that it reminds me of *Alice in Wonderland*. Humpty Dumpty sat on a wall and Humpty Dumpty had a great fall.

Deputy Michael D’Arcy: Humpty Dumpty was not in *Alice in Wonderland*.

Deputy Mary O’Rourke: If Deputy Kenny and Deputy Gilmore have nothing better to do with their Dáil time than to orchestrate a debate for three hours or whatever——

Deputy Paul Gogarty: It is Chicken Licken politics.

Deputy Mary O'Rourke: —in respect of two people, the whole thing is quite mad. I am surprised that some Members of the Labour Party, whom I regard with friendship, would go along with this bogus debate.

First, I refer to the element of the Opposition that is particularly noticeable at local level on local councils or county councils. They never see any good in anything. They are “appalled” — I use the word advisedly in inverted commas — by every decision taken by the Government. They are appalled and state this absolutely is the worst ever measure of which they ever have heard or will ever hear or see in their lifetimes. If only they could be in government right now as I would not be appalled but would understand quite well that this is the carry-on.

Deputy Seymour Crawford: Is the Deputy looking in the mirror?

Deputy Mary O'Rourke: Do they ever approve of anything? I refer to the financial sphere, in which Ireland is holding its own at present. It is not as though one sets out to get bullet points, red marks, five stars or whatever one gets for being a good girl or a good boy. Do such individuals ever say they are glad that what the Government has tried to do in this regard has been recognised? No, they are appalled at some small financial misdemeanour to which they now must devote three hours of their own time. I acknowledge it is the Opposition's own time and they can do somersaults on the floor if they so decide for the three hours available. It is their own time to do with as they wish.

Deputy Damien English: The Government had a chance to deal with this but did not.

An Leas-Cheann Comhairle: Please allow the Deputy to speak.

Deputy Mary O'Rourke: I hope junior Members of this House will allow older Members to have their say.

An Leas-Cheann Comhairle: Senior Members.

Deputy Mary O'Rourke: Particularly older Members who find it difficult to find their voices.

Deputy Damien English: The Deputy enjoys a bit of fun.

Deputy Mary O'Rourke: I would expect that I would be allowed——

An Leas-Cheann Comhairle: Allow Deputy O'Rourke to address the House.

Deputy Mary O'Rourke: I thank the Leas-Cheann Comhairle. The Deputy's day will come too and will it not be lovely to see him squirming?

Deputy Damien English: I have the greatest respect for the Deputy and enjoy debating with her.

An Leas-Cheann Comhairle: Please, Deputy English.

Deputy Mary O'Rourke: To return to the present matter, Deputy Conlon raised a true point that I wish to reiterate. Have Members any respect for one another? Have they any respect for the fact that they all tread on the same path of knocking on people's doors, asking for approval, seeking their vote and being duly elected as *vox populi*? Do Members have any regard for one another? Members are in grave danger of going down the path of *prurience.ie* until it extends to every aspect of their lives and that would not be a pretty sight.

[Deputy Mary O'Rourke.]

While I acknowledge I am adding to it — at least I admit it — I reject the waste of time the Opposition has brought to this debate. Increasingly in public discourse, I note the waste of time on the part of the Opposition. When I entered this House, my party had been almost five years in opposition and I always thought it was my job to see the good in whatever measures were brought in, to ascertain what I did not regard as being good and to speak on both equally. However, that entire tenor of debate appears to have gone. Welcome to *Alice in Wonderland* Humpty Dumpty-land.

Deputy Noel Treacy: I am pleased to have the opportunity to participate in this debate. I do so in the interests of democracy and of the Constitution. I regard this situation and this debate as being highly hypocritical. The position pertaining to ministerial pensions is clear. Six decades ago, Members' predecessors in this House introduced a ministerial pension regime to ensure that of those who held ministerial office would be available to serve the people in subsequent elections. They could go before the people in subsequent elections following their transformation from being Ministers, with the consequential drop in salary, to being humble backbenchers. They would be available for re-election on that basis. This measure was introduced to ensure the expertise and experience garnered in this House would continue to be available to this House.

I first was elected to this House 28 years ago and have fought ten elections since then. On entering this House, I was proud to serve on a committee of public expenditure with some of the most outstanding former Ministers from all parties who had served this country over the years. The committee's members worked together and took some powerful decisions in the interests of the country and of public expenditure and made a huge politically consensual contribution towards ensuring value for money for this country.

I regret that Members have allowed a situation to evolve that I would describe as being the politics of envy and the politics of hypocrisy. It is ironic that Fine Gael would table this motion and I note it has been supported by the Labour Party in its efforts of late. Deputy Kenny spoke to me last Tuesday week in this House and said he felt this whole pensions situation was really draconian and that it would drive politicians out of this House because there would be no incentive to remain. Perhaps a covert effort is under way, through tabling this motion, wherein the Opposition believes that by forcing this issue and forcing the hands of people, it might drive them out of this House so that it would not face competition in the next election from experienced people, be they current or former Ministers.

Deputy Damien English: It will not happen anyway.

Deputy Noel Treacy: That will not happen and Members will not succumb to such covert opportunism on the part of the Opposition. It is ironic also that in 1997 when we returned to Government and the outgoing rainbow coalition was leaving office following a mere two years in government, it recommended that pensions would be given to Ministers on a two-year basis, on they having served this State for two years.

Deputy Mary O'Rourke: Yes.

Deputy Noel Treacy: The members of that coalition knocked at the door of the subsequent Government, led by the then Taoiseach, Deputy Bertie Ahern, and the then Minister for Finance, Charlie McCreevy, time out of number to ensure that situation prevailed. Deputy Kenny was a beneficiary of that decision. Our party's generosity consistently to this nation, its people and this Parliament was always honoured in the breach and never just for mere opportunity. It was honoured in the interests of a totality of consensus on what was best for the common

good and to retain people in public office. Deputy Gilmore was also a beneficiary of that decision.

We had the hypocrisy of Members opposite coming in here and making a statement last year that they would give away 5% of their salaries, reduce their salaries by 5% and leave that money to the Exchequer, but as soon as the Government took a decision, it did not take too long for Deputy Kenny and his colleagues to withdraw the request they had made to have 5% of their salaries donated.

Deputy Seymour Crawford: The Government did that only when we forced its hand.

Deputy Noel Treacy: The Government took an official legal position. We have responded to the serious problems facing this country at this time. We have responded consistently and pragmatically in the interests of the common good. We have taken strong decisions in the interests of not just the current generation but future generations and we expect the Opposition will support those decisions. We have been consistently derided and decried about this situation. It is outrageous that we have this hypocritical situation today where we have to discuss this matter when this Government, led by the Taoiseach, Deputy Cowen, and an outstanding Minister for Finance, Deputy Brian Lenihan, took a decision that for all future elections, subsequent to the next election, people standing for office will know the rules of engagement going into that election and that from there on in no pensions will be paid to outgoing Ministers. Those decisions have been taken in the interests of ensuring there is transparency, fairness and equity across the country.

I came into politics in 1982. I did not ask to come into this business, rather I was asked on eight occasions to enter politics. I refused to do so on those eight occasions but I gave in on the ninth occasion. I served on a local authority for six years. I never claimed as much as 1 cent while I was a member of that authority representing my county as mayor and as chairman of the county council at the time.

I regard this as outrageously hypocritical. I get a mere net pension of €167 per week and I cannot afford to give it up. However, in the interests of there being equity in this House, and standing in solidarity with my colleagues and with the people of Ireland and having regard to the great generosity of members of the Opposition, who have decided to donate their pensions to various bodies and organisations, I, too, am prepared to allocate my pension to various voluntary bodies and charitable organisations.

Deputy Seymour Crawford: I wish to share my time with Deputies Naughten and English.

An Leas-Cheann Comhairle: I take it it is with Deputies English and Naughten in that order.

Deputy Seymour Crawford: Yes.

An Leas-Cheann Comhairle: That is agreed.

Deputy Seymour Crawford: The previous speaker spoke about hypocrisy, the common good and other matters. I have been in this House for only 17.5 years but I have heard a great deal of hypocrisy in that time, of that there is no doubt. I heard people when they were on this side of the House for the short time that we were in government tell us what they would and would not do. We know the state the country is in and that is why we are in this situation. We must recognise that. Those on low salaries who have had them cut have seen that the Government was able to find €22.5 million for a bank that has no future and for which there is no hope. Issues such as this one arise to be dealt with because of the current crisis in the country.

[Deputy Seymour Crawford.]

I welcome an opportunity to speak on this motion regarding ministerial expenses. My party colleagues such as Deputies Bruton, O'Donnell and others have dealt ably with the motion and I will deal with the Government's amendment to it. Having been a Member of the Dáil for 17.5 years, I was unfortunate not to have had an opportunity to earn a ministerial pension. Therefore, this issue is not relevant to me personally nor is it relevant to many others on the Fine Gael side. However, with all the cuts that have been imposed on people by this Government, even on those on very low incomes, it is not difficult to understand the anger on the ground regarding this issue, having regard to the massive amounts of money that have been given to bankers and to fund various other situations that have been allowed by the Government.

The words in the Government amendment to the motion that Dáil Éireann "takes note of the Government's actions to deal with the economic crisis" raises more questions than it answers. In my constituency of Cavan-Monaghan, there is no sign of even one job the Government has created by any action it has taken. Many jobs have been lost in small industries and in the retail sector because of Government inaction. The Minister, Deputy Brian Lenihan, admitted that the Government had made a major blunder regarding the increase in VAT introduced in the 2009 budget at a time when the UK Government decreased its VAT rate, and this led to a €700 million loss to the economy in a few months and caused major damage to the retail sector and the loss of jobs.

The single biggest topic in the Border region currently is the crisis in the Quinn industry, it being a group that created 5,500 jobs on this island and that supports many thousands more. A member of the legislative Assembly in Stormont who attended a meeting in Cavan recently said that the Quinn issue had brought politicians from all parties, north and south of the Border, together for the first time working for the one purpose and singing from the same hymn sheet; and that was to save jobs.

I take exception to what a previous speaker who was a former Minister, Deputy Mary O'Rourke, said, namely, that we in the Opposition never do anything positive, that we always criticise and we never try to work with the Government. Those in government nearly blame the Opposition for that fact that Ireland is in the state it is in today.

I want to point out one issue to the Minister of State. We first met the Quinn employees in Ballyconnell on Easter Saturday. Every politician present from every party, north and south of the Border, agreed to work together to try to save as many of those jobs as possible. Deputy O'Hanlon said that in his 32 years in this House he never saw a group work so closely and that no effort was made by those people to get media coverage to make points against each other. We attended every meeting with the regulator, the administrators, the Ministers and everybody else involved. We advised the representatives of the workers what we were doing. It was all done in harmony. Yet, the Minister and his colleagues went to Cavan this week and not one member of the Opposition was informed about this, good bad or indifferent. It is all right for the former Minister, Deputy O'Rourke to tell us what we should do, but when we try to do it, we get a kick in the teeth or perhaps even worse.

As I said, one of the longest serving Members of the Dáil made a statement in public that he never saw people working so closely as the Quinn Group of workers. However, it has emerged that as of now there is no resolution to the Quinn issue. The administrator has already announced that he is seeking more than 900 redundancies from the insurance business solely as a result of the withdrawal of Quinn Insurance from Northern Ireland and the UK market. One had to accept the regulator's word at the time he closed that market but major question-marks now arise as to why he had to do so only hours before he appointed acting administrators

rather than allowing the administrators to withdraw the major loss measures from the various sectors of the market and keep the rest open. As a group of parliamentarians working together, we believed for a long time that actions were taking place behind the scenes within Government which would save the company and would clearly lead to a change of personnel at the helm, but it came as a major shock to all of us that this promise of Government action did not lead to any resolution and that Quinn Insurance is now up for sale. I again call on the Government, particularly the Taoiseach, to urgently re-examine this whole situation to see if there is any way this company can be saved as a major insurance entity.

I remind the House that when Quinn Insurance was established, it was impossible for young drivers——

An Leas-Cheann Comhairle: I have allowed the Deputy some latitude. The issue is ministerial pensions.

Deputy Seymour Crawford: We are talking about the amendment, which states that the Dáil “takes note of the Government’s actions to deal with the economic crisis”.

An Leas-Cheann Comhairle: That is why I provided some latitude but it is not an economic debate.

Deputy Seymour Crawford: Yes. We met the chamber of commerce in Cavan and representatives of the workforce from Quinn Insurance. They find it extremely difficult to understand how the Government can find €22.5 billion of Irish taxpayers’ money to prop up Anglo Irish Bank, which the Minister, Deputy Brian Lenihan, now admits has a very questionable future. There is no need to remind the House how many times my party leader, Deputy Enda Kenny, questioned the need or justification for propping up this bank, and our party spokesman on finance, Deputy Richard Bruton, ably pointed out the alternatives. It must be remembered that in the Quinn case some 5,500 jobs are at stake whereas, on the other hand, how many Irish jobs has Anglo Irish Bank provided or will it ever provide? The other issue which neither the chamber of commerce nor the Quinn Group staff could understand was how the Minister for Finance could raise the guarantees for the Greek Government from €500 million to €1.3 billion without even requiring a Cabinet meeting.

While the Quinn company admits freely that the insurance business lost money in the UK market during 2009, independent figures published in the UK will show that its loss was accordingly much less than those incurred by its opposition in the market. The unique loss in this market in 2009 was as a result of storm damage, which all companies experienced.

The attempts by Government this week to appease the workers by promising support structures and advanced training for other employment is of little comfort. The record of the Government in providing alternative employment in the Border region is nil, so it is difficult for the workers to understand how there is a need is to upskill an extremely well skilled workforce for jobs that do not exist. On behalf of the workers and the general Border community, I again beg the Government, particularly the Taoiseach and the Minister for Finance, to bring about a rescue package.

The Government amendment to the Fine Gael motion asks that the Dáil “recognises the budgetary measures taken by the Government to stabilise the public finances”. Again, one must question what this statement means. We were assured in the Budget Statement that the €4 billion paid to Anglo Irish Bank would not be included in the budgetary structures and, therefore, would not affect our standing within the EU. It is now clear this statement was not justified and that we have to deal with this charge as part of our ongoing budgetary situation.

[Deputy Seymour Crawford.]

While I welcome the change in VAT, although nominal, and the change in excise duty on alcohol, the fact the carbon tax has been put in place creates loss of revenue across the Border region, creating a fall-off in the cross-Border purchase of petrol and diesel. The carbon tax will have serious implications for the farming community and particularly for agricultural contractors, who will not be able to cover the extra charges from a farming structure which is already seriously in debt.

The fact the Government insisted on taking further levies and taxes from even the lowest paid is causing serious problems for low income families. Fine Gael's alternative budget showed clearly why there should be no cuts to income under €30,000. We certainly did not agree that the highest paid civil servants should literally be let off scot free. Farming income, particularly in the Border region, which suffered from severe weather conditions as well as falling prices, fell by anything up to 50% and farmers cannot get working capital from the banks. Many of the companies which supplied farmers with necessary feedstuffs for their animals over the winter period have no idea when they will get paid and, unfortunately, many of the farmers in most difficulty financially cannot get their REPS payments and have to wait on their farm building grants.

On the other hand, Fine Gael has set out, through a Border forum under the chairmanship of Deputy Joe McHugh, ways forward towards work in the Border region. We met a number of months ago and again last Tuesday in Cavan with our party leader to consider how matters could be improved in light of what the Government has done in the budget and how we can help that situation.

The Government amendment "notes the reduction in the number of Ministers of State and the reduction in staffing of Ministers' offices". I have heard much hypocrisy about what the Government did and why it did it. It was this side of the House that forced the Government to make that decision. The Greens claimed it was they who used their influence within the Government to insist that this reduction be made. What actually happened? We learned afterwards that, as part of the agreement for Government, the Greens got an extra Ministry half way through the term of the Government. They now have not just two senior Ministers but also two Ministers of State — such hypocrisy from the party that claimed they were the saints. This did not happen because the Government wanted it; the Government was forced to show leadership in the greatest economic crisis this country has ever seen. The reduction in the number of Ministers and the reduction in their staff is certainly welcome and shows some leadership. However, that leadership came from the Fine Gael side of the House.

The Government amendment "acknowledges the extensive efforts of the Government to secure solidarity among the social partners". I hope the agreement made at Croke Park is accepted. The one area I cannot understand, coming from a farming background, is that social solidarity kept farmers so quiet at leadership level that they allowed farm incomes to drop by 50%. I have never seen such desperation at farm level. While it is said the Government has made major improvements as a result of that solidarity, over the next year or so it will see the results of its failures at both European level and every other level to support those who are the backbone of this country. I ask the Minister of State, Deputy Mansergh, to recognise the serious situation in farming and ensure that the negotiations at European level for changes in CAP are at the top of the Government agenda and are delivered in a positive way.

Deputy Damien English: I get worried for this country when I listen to what some of the Members on the other side of the House have to say in these debates. I do not know what planet they are on. To come in here like some of our colleagues and make big speeches stating that this debate is unnecessary and that there is nothing wrong with having these pensions

shows they are completely off the wall and are not in touch with what is going on. We are living in a different Ireland to the one we lived in five or six years ago. Apart from that, it was never right that a sitting Deputy would also draw a ministerial pension — it should never have been introduced. It is not just because Ireland has changed or that we are in tough times that we are doing this. It was wrong in itself, even while I accept that Deputies of all parties went along with it.

We now have a chance to fix it. I raised this issue a couple of years ago but no one wanted to hear anything about it, not even the media. This also applied to many other areas where money was being wasted — nobody wanted to talk about them three or four years ago. Thankfully, while there are mostly bad points about these recessionary times, one good point is that there is a chance to correct how we spend money, where we spent it wrongly, and to put it right once and for all. For years, my backbench colleagues and I highlighted many of these areas where money was being spent wrongly. Taxpayers' money was being wasted and not spent in the proper spirit of law or government.

Deputy Seán Power stated that Deputy Kenny does not know what the country needs or wants. I put it to him — I note he has left the Chamber — that what the country does not need or want is Members of this House receiving a second wage in the form of a pension. This is wrong on either front. I say to those who have taken pot-shots at Deputy Kenny in regard to the tabling of this motion that Deputy Kenny did not have to introduce legislation to ensure members of the Fine Gael Party gave back their pensions. He did not have to do so because he is a leader and members of the Fine Gael Party listened to him, took his advice and took action, which is what should happen in other parties. There is something wrong when the Taoiseach, Deputy Cowen, did not have the power to convince his own colleagues to give up their unnecessary pensions, which are a second wage. I believe the Taoiseach knows his days are numbered given he could not even deal with that simple issue.

Fine Gael did not wish to waste three hours discussing this issue. There are plenty of other issues we want to discuss, including the situation in Greece, Europe and in Ireland in terms of our finances, the Quinn Group jobs and many other issues such as the number of people in all of our constituencies who are losing their jobs. There are many other issues than this with which we want to deal.

We do not like having to deal with this issue in this way. Deputy Kenny raised it last year and asked the Taoiseach and the Minister for Finance to deal with it. He told them if they did not we would find a way to do so. Deputy Kenny again raised the issue a few weeks ago but the Government continued to refuse to act. He again asked last week that the Government do something about it but no action whatever has been taken. Deputy Kenny then, thankfully, found a way, which we believe is legally correct, to do this. That is the reason we are having this debate.

This debate is necessary because the people need to know this House is willing to take action to correct what it has done wrong in the past. The people need leadership. Members and Ministers who cannot get their affairs in order cannot expect anybody else to accept cuts in wages or to deal with hardship. One needs to lead from the front and this should start in this House. This is the reason we are having this debate. It is a matter of principle. I heard on local radio yesterday it being stated that there were only three Members remaining who did not give up their pensions and that only €20,000 or €30,000 each was involved, which is not a big deal. It is a big deal. The principle is what is important. The message must go out that this House knows it must change the way in which it does its business. This debate is one small step towards correcting what is and has always been wrong.

[Deputy Damien English.]

There are many other issues which the House needs to address. I have been a Member for almost eight years. I am fed up being told every morning that if I am not happy with the rules I should seek to have them changed. We, on this side of the House, cannot change them. We do not have enough Members to win a vote and the Ceann Comhairle knows this. The previous and current Ceann Comhairle continue to say this. This must stop. It is only the Government side of the House that can bring about Dáil reform. The Government does not even need our support to introduce change in this regard. We need proper reform.

Deputy Conlon asked what we, as Members of this House, are doing to its reputation. What did Deputy Bertie Ahern and Fianna Fáil in Government do for this House? They ruined the reputation of this Parliament. They made a joke of it. One cannot get answers to parliamentary questions and line Ministers rarely turn up for Adjournment Debates. One cannot raise issues of the day in the House. Approximately one and a half hours every day is wasted on the Order of Business, with Members on all sides raising in a silly manner issues that should be discussed properly. They have no other way of raising these issues, which is a joke. Anybody following the proceedings of this House must see it is a farce, which is what it has become in the past ten or 15 years. There is one party responsible for this.

I long for the day when Parliament will not be run by Government but will be separate. That is how it must be if we are to have a properly functioning democracy with proper oversight, which is what we do not have now. This is the reason the reputations of politicians have become a joke. We are at the bottom of the rung but will move on. This is only part of what is wrong in this House.

The motion before us relates to the claw back of pensions from Ministers and Members of this House. It is easy to start with this. However, it is fundamentally wrong for anybody working in the public sector to also draw a public sector pension. I accept this affects many more people other than politicians. A person who continues in public service employment should not be permitted to also draw a public service pension.

An Leas-Cheann Comhairle: Deputy English has one minute remaining.

Deputy Damien English: This issue, although difficult to deal with, must be addressed. It is wrong in particular when the person holding the second job is keeping another person out of a job. I understand that in some cases re-engagement of particular people with expertise is necessary. We can find ways around this. It is wrong that a person should be permitted to draw at the same time a pension and public sector wage.

It was stated earlier that this issue is being driven by the media. I accept it has been covered by the media who have a responsibility to report on such issues. The media has a duty to democracy to point out that not all Deputies are the same. There are good Deputies in all parties. The majority of Deputies are good and they work hard. Being a Deputy incurs business costs. Expenses are not profit but recuperation of costs. While I wish the system was clearer, it is at least better than it was. The media has a responsibility to ensure it does not erode everybody's confidence in politics and democracy. Politicians also have a responsibility to ensure the media is in a position to report positively about them, which is what today is about. There is a responsibility on the media, Government, politicians and so on to fix the reputation of politics in general. The people need hope and to be able to believe in the system. This must start with reform of this House.

An Leas-Cheann Comhairle: I call Deputy Naughten who has seven minutes.

Deputy Denis Naughten: I welcome the opportunity to speak on this motion. I refer Members to the Financial Emergency Measures in the Public Interest Act 2009, the pension levy Act, as passed by this House, despite our arguments in regard to some of its content. The preamble to that Act states that it is necessary to cut current Exchequer spending substantially to demonstrate to the international financial markets that public expenditure is being significantly controlled to ensure continued access to international funding and to protect the State's credit rating and reverse the erosion of the State's international competitiveness. This objective remains in terms of the actions we, this Parliament, and the Government take. While the Revenue figures are positive and it now appears we are hitting a floor in terms of Revenue returns, our economy is a long way from recovery. The cost to the Irish Government in terms of obtaining funds and lending is increasing dramatically. Where this will finish, we do not know. There is no doubt but that the Croke Park deal, if it does not go as the Government wishes it to go, will have a significant impact on our lending rates and international perception. Having this debate at a time when public servants are voting on that deal is irresponsible. The Government should have provided leadership on this issue.

The comments of some people, in regard to a failure on the part of Members of this side of the House to be constructive, stick in my craw. Deputy Crawford articulated well this point in terms of the debacle of the Quinn Group. Another relevant point in this regard, one with which every Member of the House will agree, is that of the good Samaritan Bill which was voted down by Government on two separate occasions purely because it was proposed by the Opposition. The Minister for Justice, Equality and Law Reform, Deputy Ahern, then appeared in the House a couple of weeks later with his own legislation, for which we were expected to clap him on the back. They were purely partisan decisions in relation to legislation that not one dissenter could argue against.

We have all been embarrassed by the regime in this House which has not been overhauled. All of us, including Minister of State, Deputy Calleary and some of my colleagues, were surprised when we came into this House by some of the structures in place. I welcome the reform introduced during the past number of months in regard to remuneration and expenses. Perhaps the financial situation we are in has allowed some of the structures to be built. I welcome the introduction of vouched expenses and it is something for which I have argued for a long time. It makes perfect sense to have them. However, the media do not report that many of the vouched expenses we have will not be covered under the proposed new regime. Many of us would like to see all expenses fully vouched.

I agree with the argument made by Deputy Treacy that there should be a long service increment. It was introduced several years ago to make the acknowledgement about which Deputy Treacy spoke earlier. It was not right that when I entered the House at the age of 23, very wet behind the ears, I received the exact same salary as Members with 20 or 30 years experience in the House. That was changed, but has now been reversed.

The pension debacle has brought to the fore in the public mind the lack of capacity in Government to provide any semblance of leadership or direction for the country. It is a watershed for the Government and from here on the public will dismiss any call for solidarity in the interest of getting our country and economy out of the septic quagmire that has been created by successive Fianna Fáil governments.

The Government has made a series of flawed decisions. The pay cuts introduced in the budget last December mean that a cleaner pays as a percentage of salary more of a contribution to get us out of this mess than a Minister or a senior civil servant. The pay cuts introduced by the Minister for Finance were significantly flawed, especially when he decided to include a bonus scheme that had already been shelved, in the calculations to determine the pay cuts of

[Deputy Denis Naughten.]

public servants. Someone earning less than €30,000, including those on the minimum wage, saw their pay cut by 5% while Ministers and senior civil servants on salaries of €150,000 and more had their pay cut by approximately 3%. That is hard to justify. It is immoral.

I proposed a constructive suggestion to the Minister for Justice, Equality and Law Reform to deal with the issue of judges' pay and the huge costs to the taxpayer of our asylum system of €80,000 a day. I asked the Minister to contact the President of the High Court and ask judges to sit longer during September to deal with the backlog in judicial review cases. The Minister refused point blank to take that suggestion on board. However, on 12 April the President of the High Court took on that very initiative and has decided that judges will sit during September to deal with the backlog. Constructive suggestions put forward by the Opposition in this Chamber are dismissed out of hand by the Government because they come from the Opposition. Other public servants are to be commended for taking on those initiatives and implementing them.

We have a rudderless Government; its Members will not speak to their colleagues and implement a simple proposal that would first and foremost provide the type of leadership for which the country is crying out and provide the direction that is urgently needed.

Minister of State at the Department of Finance (Deputy Dara Calleary): I thank all Members for their contributions to the debate over the course of the past day. I will bring them back to the contribution of the Minister for Finance, Deputy Brian Lenihan, in which he put the context of the unprecedented budgetary and economic difficulties we are facing. We are giving leadership in facing these difficulties and this leadership is beginning to bring stability to our public finances.

The clear signs of success are beginning to show. Clear indications, independently verified, show that the economy will return to growth in the second half of this year, providing for a very sound platform for growth in 2011, forecast by the EU Commission to be in the region of 3%. This highlights that fact that we have one of the highest levels of growth forecast in the EU. Exchequer returns for the first four months of the year show stabilisation. In short, our economic and budgetary policies are beginning to bear fruit. It has been a very difficult process and it will be a long time before we can point to clear signs of success, particularly in the field of employment. However, the early signs are good.

The word "fairness" has been thrown around during the debate and everybody in the House of all ages would agree that in the current climate, politics must be fair and must be seen to be fair. We cannot provide the leadership required at present unless this is obvious. Members of the Oireachtas and Ministers cannot ask of others what they are unwilling to impose on themselves. In this context, as the Minister for Finance made clear last night, Members of the Government and of the Oireachtas have already taken very significant reductions in their pay and conditions as part of measures to reduce the cost of running government. These measures were in addition to other reductions through pension levies and tax increases. The number of Ministers of State was reduced, bringing further reductions in the administrative costs of government. The Government has shown leadership, as Deputy Naughten stated, and the reductions imposed in government pay and administration are without precedent among our European partners.

The House will accept that as part of a wide range of measures introduced by the Government to tackle the crisis, the pensions of former Ministers sitting in the Houses of the Oireachtas have been significantly reduced since the middle of last year and will cease to be paid to sitting Members after the next general election. Acting on the advice of the Attorney General, the Government took all the steps it could within the law to reduce the cost of

ministerial pensions in the 2009 legislation. The advice of the Attorney General was that pensions could not be stopped completely but they could be reduced in a proportionate way after consultation. After the Minister for Finance carried out that consultation, a reduction of 25% was considered to be proportionate; this was done in the 2009 Act. The Attorney General indicated that it could be stopped in the next Dáil and this was also provided for in the 2009 Act.

It would be beneficial to expound a little on the advice of the Attorney General. In 2009, the Attorney General advised that pensions were earned but deferred income to which the person concerned has a property right. These pensions could not be removed entirely but they could be reduced in a proportionate way after consultation. More recently, the Attorney General advised that legislation to end pension payments completely for a particular group of people who have clear rights to that pension would be disproportionate and discriminatory and would therefore be unconstitutional, as is stated in our counter motion. At a time when there are no reductions in the State pension or in the pensions of public servants generally it would be constitutionally dubious to target a particular pension and abolish it completely.

In the circumstances, the Government went as far as any responsible administration could go within the law. There may be other views about what is legally possible but the Government must take account of the views of the Attorney General. A democratic government, operating within the law, faces a challenging task of ensuring that legislation complies with the requirements of Bunreacht na hÉireann. We do not have the luxury of ignoring the Bunreacht even if it were popular to do so.

As was pointed out, this will not be an issue in the next Dáil; the pension will simply not be paid. For the information of the House, there has also been significant reform of public service pensions; it will not affect Deputies Naughten or English but it will affect Deputy D'Arcy and me when we will be paid our pensions at the age of 68.

Deputy Damien English: The Minister of State will be here for a long time so he will be alright.

Deputy Dara Calleary: I hope so.

Let us reflect on the real context of the debate. There has been much talk by the Opposition about the 2009 debate. If the motion is right today then it was right in 2009 when many Opposition Members contributed to and voted on the debate but continued to accept their pensions until last week. Let us be very clear about the real motivation behind this debate; it is more to do with chasing popularity and opinion polls, and if that is to be the guiding principle of Fine Gael, or the Opposition, then how can it be trusted to take the very difficult decisions that must be taken to return stability to the economy and to give hope to the people, as many Fine Gael Deputies stated? If this motion is right today and Fine Gael Deputies support it then they must ask themselves why they did not support and endorse fully the concept in 2009.

Deputy Michael D'Arcy: I thank the Minister of State, Deputy Calleary, but his position rings extremely hollow coming from a Fianna Fáil person, knowing the way Fianna Fáil has always operated in opposition. Somebody once observed that when people say, "It is not about the money", the one thing one can be sure of is that it is about the money. Similarly, when someone in Fianna Fáil says, "It is a matter of principle", the one thing one can be sure of is that it is not a matter of principle. This has to do with greed and self-preservation, and, in this instance, a lethal disconnection between a government and the people it is supposed to serve. With the Government it is all about "us" and "them", with the "them" category occupied by the citizens of the State. The citizen can be punished for crimes for which he or she was not responsible, impoverished using one levy after another and frightened, humiliated or left

[Deputy Michael D'Arcy.]

uninformed. Citizens and public sector employees have had their salaries reduced for the first time in the history of the State. That is the “them” side of the equation. The “us” side of the equation is very different. The Fianna Fáil Party and its meek partners in government do not understand that the essence of good leadership is to take the same pain everybody else is taking.

The current sad episode in Irish politics has been characterised by an unprecedented level of uncaring arrogance on the part of some former Ministers. While Deputy Jim McDaid is the most vocal of them, he also speaks for others who have not surrendered their pensions. I am informed the Deputy is an excellent and professional general practitioner. I do not have any confidence in his professionalism as a Deputy.

Deputy Dara Calleary: That is a matter for people in Donegal to decide.

Deputy Michael D'Arcy: Yes, it is a matter for people in the Donegal North-East constituency. Deputy McDaid has decided that 80% of the divisions called in the House do not warrant his attention. While he is paid as a Deputy, he does not perform the most basic of parliamentary functions. He is somehow more important than the rest of us and continues to be paid for failing to vote. As the Minister of State pointed out, that is a matter for Deputy McDaid's constituents in Donegal North-East. Notwithstanding that, his party should be ashamed of him and his party leader should have something to say on the disrespect he has shown for the democratic process to which he signed up. Will the Taoiseach pull up Deputy McDaid on his impertinence in taking the money to do with it as he chooses?

Deputy McDaid has adopted a bizarre position on the issue of his pension, claiming he took a decision not to forego to prove a point about preserving the Dáil from the threat of rich people. In the name of God, we are not stupid. The Deputy is taking a position which is impossible to stand up and the Government's moral guardians in the Green Party should force the Taoiseach to pull him up. They did so in the case of the former Minister for Defence, Deputy O'Dea, albeit only when it finally dawned on them that it was necessary. It is doubtful this will be repeated because we have a Taoiseach who buys into the “us and them” approach and misses the tragic point of the idiotic pleas of the former Minister, Deputy McDaid, that he will, on a point of principle, keep the rich from becoming too powerful in Leinster House.

For the past ten years, on the Taoiseach's watch as Minister for Finance and as Taoiseach, the rich have become overwhelmingly powerful inside and outside Leinster House. The former Minister for Finance, Charlie McCreevy, created the tax breaks that bent the economy out of shape and his successor, the current Taoiseach, preserved every last one of them. He pulled the tent pegs out of the Galway tent — big deal. The thinking in government is that we should ignore the reality and look at the symbol. We should ignore the estates desecrating the face of rural Ireland, the hotels built in every corner of the country as a result of tax breaks, most of which were never needed, and the collusion in the cloud cuckoo land inhabited by developers, bankers and Fianna Fáil Party politicians. As long as the Galway tent is pulled down, so the thinking goes, most of the people can be fooled most of the time.

The tradition in this country is that when one does something wrong, one confesses, takes responsibility and indicates one will do something about it. In the rainbow coalition, of which the Leas-Cheann Comhairle was a member, two Ministers resigned not because of major controversies but because the threshold of culpability for wrongdoing was higher than it is now.

Deputy Dara Calleary: The rainbow Government lowered the threshold for qualifying for pensions.

Deputy Michael D’Arcy: We should remember that the former Minister, Deputy O’Dea, slandered another public representative before denying in a sworn affidavit that he had done so. He was found out because he was caught on tape engaging in the slander he had denied. We should also remember the pathetic response of the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, when he pretended he believed the Minister for Defence. Only one and a half days after the former made his speech, the latter had left office.

The Fianna Fáil Party has not made a single confession about what has taken place over the past 15 years. The Taoiseach has expressed regret in the same way I might express regret that the cloud of lava ash is continuing to play havoc with the lives of air travellers. As I am not responsible for the lava ash, my expression of regret would come under the heading “general sympathy.” The plain people of Ireland need much more than general sympathy from the Taoiseach. When good people are put to the pin of their collar to meet mortgage payments on a house worth two thirds of what it costs them, a confession and an apology from the Government would be a start but a firm purpose of amendment is what is really needed.

The Taoiseach should long ago have hauled together all former Ministers and told them that their moral responsibility, having impoverished the diligent citizens of this nation, is not to grind the faces of citizens in the excessive wealth arising from their position. There was not a chance that this would be done as to do so would require leadership, a quality the Taoiseach has never displayed.

We should also remember the Boston versus Berlin argument of the Minister for Health and Children, Deputy Mary Harney, who chose to develop a two tier health system. The Taoiseach now stands idly by while a two tier society develops, an “us and them” economy in which the “them”, the new poor, have an opportunity to bail out the banks. Are they not lucky? The people in question are the hard working middle classes who did things right. The vast majority of them did not borrow excessively to have a four-wheel drive sports utility vehicle outside the door, nor did they spend €10,000 or €15,000 on trips around the world before adding the cost to a 30 year mortgage. They did not take mortgages of many multiples of their salary but did things properly.

The “us”, on the other hand, are the former Ministers who pocket their pensions and go home with smiles on their faces. In refusing to surrender their pensions they are engaging in an exercise in irresponsibility and contempt. Not only are their actions immoral but they are amoral. They just do not get it; they fail to understand the outrage and annoyance of members of the public because they are entirely disconnected.

What happened in Athens yesterday, when three people, including a pregnant woman died in riots, was a horror which must be condemned by every European. However, yesterday’s events reflect the desperation of the new poor. Ireland, too, has a new poor. The difficulty they face is not the amount they earn but the financial commitments they have entered into. According to a paper produced by the Oireachtas Library and Research Service, personal debt here has reached €147 billion. Between 1995 and 2008 — effectively the Bertie Ahern era — household debt increased by 267%. For those who argue this is not excessive given the 13 year period involved, household debt in France and Britain increased by 9% and 63%, respectively, in the same period.

When I spoke to the Minister for Finance last week on the indebtedness of Ireland and its citizens, he told me about a code of conduct and an oversight committee consisting of representatives of the Irish Banking Federation. I told him he was out of touch because the membership of the committee was akin to putting the fox in charge of the hen house. Meanwhile, we have the new poor, the “us and them” society and a Taoiseach who would prefer not to force his pals to do what is right. This type of apathy is unacceptable, inappropriate and disgraceful.

[Deputy Michael D'Arcy.]

I propose to discuss the Pensions (Abatement) Act 1965. I want to quote from the Citizens Information Board:

Most public sector pension schemes are subject to what is called abatement if you return to work in the public sector. The precise conditions may vary from one scheme to another but, in general, abatement means that the pension is reduced in order to ensure that you do not earn more between the pension and the income from employment than you would if you had remained in employment.

There is legislation for us and them, “us” being the politicians here in this House and “them” public sector employees. There are no circumstances in which this should be allowed happen. Many retired teachers have claimed their gratuity to which they are entitled and which I support, but if a retired teacher claims a gratuity and then goes back into work, then that is all right if nobody is available to take that place. However, as we know, there are now thousands of unemployed young teachers coming out of college who are claiming social welfare payments from the State.

Our former colleague Ivan Yates is claiming his pension, which he is fully entitled to do. He is also claiming funds from his work in the private sector, which he is entitled to do. However, our former colleague Alan Dukes is now working for Anglo Irish Bank, which is wholly owned by the State. He is not really a public sector employee, even though all the funds are coming from the State. I believe the Pensions (Abatement) Act should apply completely to everybody. It should not apply to just some of the people, but all of the people.

Maybe the Taoiseach could get some advice from road safety experts. They would tell him that he can encourage, inform and advertise until he is blue in the face, but what actually saves lives is enforcement, such as doing random breath-testing by the Garda. It is the same with Fianna Fáil. When the proper action to take is obvious, they do not take it. They reflect on taking it or, in Deputy McDaid's case, they develop bizarre rationales for not taking it.

Enforcement is the way to go. Enforcement will ensure an end to this two-tier society where any punishment can be dealt out to the citizen, but the same punishment is not dealt to politicians.

I have used the word “bizarre” quite deliberately. It belongs with other words like grotesque, unprecedented and unbelievable; words that came from another era. That is where the current Taoiseach has brought this nation. He has brought us in a circle right back to the GUBU years of Fianna Fáil.

Amendment put.

The Dáil divided: Tá, 68; Níl, 66.

Tá

Ahern, Michael.
Ahern, Noel.
Andrews, Chris.
Aylward, Bobby.
Blaney, Niall.
Brady, Áine.
Brady, Cyprian.
Brady, Johnny.
Byrne, Thomas.
Calleary, Dara.
Carey, Pat.
Collins, Niall.

Conlon, Margaret.
Coughlan, Mary.
Cregan, John.
Cuffe, Ciarán.
Curran, John.
Dempsey, Noel.
Devins, Jimmy.
Dooley, Timmy.
Fahey, Frank.
Finneran, Michael.
Fitzpatrick, Michael.
Flynn, Beverley.

Tá—*continued*

Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P.
 Kitt, Tom.
 Lowry, Michael.
 McDaid, James.
 McEllistram, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Mansergh, Martin.
 Martin, Micheál.
 Moynihan, Michael.
 Mulcahy, Michael.

Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Bannon, James.
 Behan, Joe.
 Breen, Pat.
 Broughan, Thomas P.
 Burke, Ulick.
 Burton, Joan.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Ferris, Martin.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.

McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Keefe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Jan.
 O'Sullivan, Maureen.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sherlock, Seán.
 Stagg, Emmet.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Varadkar, Leo.
 Wall, Jack.

Tellers: Tá, Deputies John Curran and John Cregan; Níl, Deputies Paul Kehoe and Emmet Stagg.

Amendment declared carried.

Question put: "That the motion, as amended, be agreed to."

The Dáil divided: Tá, 68; Níl, 66.

Tá

Ahern, Michael.
 Ahern, Noel.
 Andrews, Chris.
 Aylward, Bobby.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Grealish, Noel.
 Hanafin, Mary.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.

Kitt, Michael P.
 Kitt, Tom.
 Lowry, Michael.
 McDaid, James.
 McEllistram, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Mansergh, Martin.
 Martin, Micheál.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M. J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Bannon, James.
 Behan, Joe.
 Breen, Pat.
 Broughan, Thomas P.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 Creighton, Lucinda.
 D'Arcy, Michael.
 Deasy, John.
 Deenihan, Jimmy.
 Doyle, Andrew.
 Durkan, Bernard J.
 English, Damien.
 Enright, Olwyn.
 Ferris, Martin.
 Flanagan, Charles.
 Flanagan, Terence.

Gilmore, Eamon.
 Hayes, Brian.
 Higgins, Michael D.
 Hogan, Phil.
 Kehoe, Paul.
 Kenny, Enda.
 Lynch, Ciarán.
 Lynch, Kathleen.
 McCormack, Pádraic.
 McEntee, Shane.
 McGinley, Dinny.
 McGrath, Finian.
 McHugh, Joe.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Keefe, Jim.
 O'Mahony, John.

Níl—*continued*

O'Shea, Brian.
O'Sullivan, Jan.
O'Sullivan, Maureen.
Penrose, Willie.
Perry, John.
Quinn, Ruairí.
Rabbitte, Pat.
Reilly, James.
Ring, Michael.

Shatter, Alan.
Sheahan, Tom.
Sherlock, Seán.
Stagg, Emmet.
Timmins, Billy.
Tuffy, Joanna.
Upton, Mary.
Varadkar, Leo.
Wall, Jack.

Tellers: Tá, Deputies John Curran and John Cregan; Níl, Deputies Paul Kehoe and Emmet Stagg

Question declared carried.

Competition (Amendment) Bill 2010: Order for Second Stage.

Bill entitled an Act to amend the Competition Act 2002; and to provide for matters connected therewith.

Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe): I move: "That Second Stage be taken now."

Question put and agreed to.

Competition (Amendment) Bill 2010: Second Stage.

Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe): I move: "That the Bill be now read a Second Time."

This is a targeted and focused Bill for the purpose of amending section 35 of the Competition Act 2002 to enable the Minister for Enterprise, Trade and Innovation appoint whole-time members, on a temporary basis, to fill current and upcoming vacancies in the Competition Authority. Upcoming vacancies would have the effect of reducing membership of the authority below the statutory minimum requirement and would impede the proper functioning of the authority. As a consequence of recent vacancies which have arisen in the authority, including the departure of the chairperson to take up another position, I have appointed an existing member as chairperson of the authority on a whole-time temporary basis. This appointment ensures that the authority is properly constituted in accordance with: the requirements of the Competition Act 2002 and can carry out all of its statutory functions. The amendment to section 35 of the Competition Act 2002 as provided for in this Bill and the subsequent appointment by me of temporary members will safeguard the integrity of the Competition Authority's workings and decision-making power.

I am concerned that an improperly constituted authority would be unable to fulfil its statutory obligations and that any decisions made by members in such circumstances would be open to legal challenge. Of particular concern are those functions specifically reserved by statute to the authority acting as a decision-making collective body. Those functions are as follows: making a declaration under section 4(3) of the Competition Act 2002 that a specified category of agreement, decision or concerted practice is not prohibited if it complies with the conditions set out in section 4(5); the power to initiate criminal proceedings for an offence relating to anti-competitive behaviour or practices under sections 6, 7 or 26, or for relief in civil proceedings under section 14 or 15C; the power to make a phase two merger determination under

[Deputy Batt O’Keeffe.]

section 22; and functions relating to the authority’s strategic plan, appointment of staff and annual reports.

Powers are also devolved from the EU to designated national competition bodies, which in Ireland’s case is the Competition Authority. It is essential that the performance by the authority of its functions, for example making a decision to either approve or prohibit a merger, be made on a sound legal footing and not be subject to uncertainty as to validity.

Membership of the Competition Authority is currently governed by section 35(1) the Competition Act 2002, which provides that the authority shall consist of: a chairperson and between two and four other whole-time members, as may be determined and appointed by the Minister; a whole-time member appointed by the Minister to cover a period of temporary inability by a member to discharge his or her duties; and such number of part-time members as the Minister may determine and appoint.

Under the 2002 Act the appointment of a chairperson and a minimum of two other members satisfies the statutory minimum membership requirement. However, the appointment of a person to replace a member who is temporarily unable to discharge his or her function or the appointment of a part-time member, as provided for by sections 35(1)(b) and 35(1)(c), do not satisfy the minimum membership criteria.

The authority is currently operating at this minimum level, however upcoming vacancies taken together with some current vacancies, would have the combined effect of reducing the authority’s membership below the statutory minimum. The authority has been carrying a vacancy at membership level since January 2009. More recently, the chairperson of the authority resigned with effect from mid-March 2010 to take up the position of Financial Services Ombudsman and two other whole-time members have indicated their intention to leave the authority during May 2010.

As I said previously and following legal advice from the office of the Attorney General, I have appointed an existing member of the authority to the position of authority chairperson. This appointment is for a period of just under six months, at which stage I expect that a chairperson will have been selected for appointment following an open Public Appointments Service competition.

The legal mechanism under the Competition Act 2002 in respect of replacing whole-time members is through the holding of a Public Appointments Service competition. The actual mechanics of advertising, interviewing and then taking into account the need for successful applicants to give some months notice to their current employers — possibly up to three months — means that the entire recruitment and selection process could take a number of months to conclude, during which period I must ensure that the authority can function with the requisite statutory membership.

This Bill will allow for the appointment of whole-time members for a short period to provide cover up to the point when whole-time members are appointed following the holding of a Public Appointments Service competition. The Bill provides that these temporary appointments will be made having regard to the competencies laid down by section 35(5) of the 2002 Act for appointment of members. That provision requires appointees to “have sufficient expertise in or experience of one or more of the following areas, namely — law, economics, public administration, consumer affairs or business generally”, thereby ensuring that only suitably qualified and experienced people can be appointed to the authority, even on a temporary basis. The integrity of the authority’s decision making power will continue to be protected both in terms of the number and quality of its members. The appointment of members under this

legislation will be short term, for a defined period and will conclude when the whole-time members have been appointed under the open competition.

Following enactment of this Bill, I intend immediately to make two appointments to the authority. This will result in membership of the authority consisting of the chairperson and three whole-time members. This arrangement will prevail until successful candidates are appointed from the Public Appointments Service competitions that will be held.

I now wish to turn to the provisions of the Bill and explain what each is designed to achieve. Sections 1 and 3, definition and Short Title and citation, of the Bill are standard legislative provisions while section 2 is the core of the Bill.

Section 2 of the Bill provides for the amendment of section 35 of the Competition Act 2002 to allow for the appointment, on a whole-time basis, of temporary members, including a chairperson, to fill a vacancy occurring in the authority's membership arising from the death, retirement, resignation, disqualification or removal from office of a member. It is envisaged that these temporary appointments will be for a period of up to six months.

The Bill also provides that the Minister may extend this period of appointment for a period or periods up to a maximum of a further six months. It is intended that the provision allowing for an extension to the appointment would only be used in specific circumstances, for example, in the event that the recruitment and selection process is not finalised or the successful candidate is not in a position to take up his or her appointment within the initial six month time period.

As I said earlier, appointees to these temporary positions must, in the opinion of the Minister, possess sufficient expertise in or experience of one or more of the following areas — law, economics, public administration, consumer affairs or business generally.

The Bill will also provide that a temporary appointee remains eligible for appointment, through an open competition, as a whole-time member within the authority, unless he or she has been removed in accordance with the existing provisions of section 35(12) of the Act. That provision permits the removal of a member who has become incapable through ill health of performing his or her duties or whose removal appears to the Minister to be necessary in the interests of the effective and economical performance of the functions of the authority.

Following enactment of this Bill and the making of the necessary temporary appointments, my next legislative priority in this area will be the Bill to give effect to the amalgamation of the Competition Authority and the National Consumer Agency. Since being announced as part of the rationalisation plan for State agencies during the 2009 budget speech, my Department has been working with both bodies to ensure a smooth transition from the two separate entities to a single dual functioning body responsible for competition and consumer protection. As both bodies were established under statute, it is necessary to give effect to the newly merged body by way of primary legislation.

At the time the merger of the two bodies was announced, work on the review of the operation and implementation of the 2002 Competition Act was well under way. The submissions received following a public consultation process were being considered as was the report and recommendations of the advisory group on media mergers. Rather than give effect to the amalgamation of the authority and NCA in stand-alone legislation, to be followed in due course by legislation to amend, reform and update the 2002 Act, it was decided to introduce a single comprehensive Bill that will create the new consumer and competition body; update the existing competition law; strengthen the public interest test in respect of media mergers, in line with the report of the advisory group on media mergers; make some minor amendments to the consumer protection legislation; and give effect to the Government commitment under

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Towards 2016 regarding the exemption of certain specified categories of vulnerable workers from competition law.

While work on the draft legislation on this basis has been progressing, a number of other developments have arisen which have led to additional requirements in the Bill. The renewed programme for Government contains a specific commitment to implement a code of practice for doing business in the grocery goods sector to develop a fair trading relationship between retailers and their suppliers and to review progress of the code and, if necessary, to put in place a mandatory code. Provision to place a code for retailers and suppliers on a statutory basis will be included in the proposed Bill.

As the House may be aware, efforts are under way to explore with all the relevant stakeholders the possibilities of agreeing a voluntary code of conduct in the grocery goods sector which would respect the interests of all parties. This offers stakeholders the opportunity to develop a voluntary code most suited to the dynamics of the Irish grocery goods sector and which would form the basis of any subsequent statutory code.

This all-encompassing approach to the draft legislation has to some extent delayed the legislation for rationalisation of the two bodies. I am, however, of the view that we will be better served in the long run by a single legislative measure that both establishes the new body and provides for a combined and updated consumer and competition code with appropriate enforcement provisions being given to the new body.

Work on the draft heads of this Bill is at an advanced stage and I intend to bring these draft heads to Cabinet within the coming weeks. Until the heads have been approved by Government, it would not be appropriate for me to comment further on the specifics contained in the draft heads. Deputies are awaiting its approval and subsequent publication, and indeed may seek to avail of the opportunity of this Bill before us to progress issues contained in the other Bill but I urge Deputies to wait. It is imperative that the Bill at hand be passed by the Oireachtas without undue delay so that I may appoint the members in sufficient time to avoid a reduction in membership levels below the statutory minimum. The matters to be included in the comprehensive consumer and competition Bill will be considered and debated in due course and no doubt in great detail, as is appropriate.

The Bill before us today is a short Bill but for all that an extremely important Bill. I look forward to working with Deputies on Committee and Report Stages and I will be happy to reply to any questions that arise. In the meantime, I commend the Bill to the House.

Deputy Leo Varadkar: I extend my thanks to the Oireachtas Library & Research Service for preparing a very good debate pack on this Bill and also thank the civil servants from the competition section of the Department of Enterprise, Trade and Innovation for briefing me on the contents of the Bill.

The Competition (Amendment) Bill 2010 amends section 35 of the Competition Act 2002 to permit the appointment of temporary members to the Competition Authority. This will enable the Minister to appoint temporary members to fill current and upcoming vacancies in the Competition Authority which otherwise would see its membership reduced below its statutory minimum requirement. The Bill will also allow the Minister to fill membership vacancies by temporary appointment without the requirement to hold an open Public Appointments Service competition, provided the person possesses, in the opinion of the Minister, sufficient experience and expertise in one or more of the following areas — law, economics, public administration, consumer affairs or business generally. In many ways the Bill addresses a lacuna in the 2002 Act which does not provide for the filling of casual vacancies on a temporary basis, pending

competition for their permanent replacement. In that regard, the Bill is both sensible and necessary and for those reasons Fine Gael will support its passage in this House.

I express my displeasure that we must pass what is, effectively, emergency legislation in this way, in that the legislation was published only last Friday. The legislation is necessary because, if it does not go ahead, the Competition Authority will not be constituted legally and any decisions or determinations made by it may be subject to challenge in the courts. However, it would not be necessary if the vacancies had been filled when they arose and if competitions had been organised when vacancies arose. This was a failure by the Government and by this Minister or the previous Minister, to organise a competition for the vacancies when they arose. In many ways it is characteristic of the approach of this Government which is so often slow to act and react and so quick in its indecision.

In addition, it would not be necessary if a competition (amendment) Bill had been introduced before now. I believe it is three years since the review of competition law took place — it was around the time I became a Member of this House. Three years later a competition (amendment) Bill has not yet been brought to the House which is based on that public consultation. As I learned from the Minister today, the Cabinet has not even agreed the heads of that Bill. It should not take three years to review a piece of legislation and prepare an amending Bill.

Regarding the decision to merge the National Consumer Agency and the Competition Authority — which I support — that Government policy was announced in the budget of April 2009, again more than a year ago, yet we still do not have the heads of a Bill to effect that change. Government can be slow but it should not be that slow.

I wish to say something about the general principle of competition. I am a fan of competition and an advocate of strong competition authorities. Competition is good for consumers and for business in general — although perhaps not for specific businesses at any given time — and is good for the community. During periods of recession such as the one we now have, competition comes under attack from businesses and employees that are under pressure. In recessionary periods and periods of depression we always see the rise of protectionism, economic nationalism, businesses seeking subsidies or to create and protect national champions.

It is important that we, as parliamentarians and legislators, guard against this and stand up to these pressures in the interests of the community as a whole. Protectionism, economic nationalism, subsidies and monopolies might protect the few but this is done at the expense of the many. It is widely accepted that the legalisation of cartels, as part of Roosevelt's New Deal, prolonged the Great Depression of the 1930s by seven years. I reference the work of Cole and Ohanian in that regard. Roosevelt actually reversed that policy in 1938 to great effect. In Japan, it is well understood that government protectionism and the creation of cartels contributed to that country's "lost" decade. I would be concerned that some of the Government policies, for example, in regard to NAMA and banking, as well as some of its enterprise and employment subsidies risk doing something similar, however well-intentioned they may be.

It is also worth pointing out that a study by the Office of Fair Trade in the United Kingdom found that the benefits of enforcing competition law outweighed the cost, eightfold. I reference Fingleton in that regard.

In Ireland we know a lot about the difference between competition and monopolies. We know how the aviation sector worked when Aer Lingus had a monopoly that it sought to defend at all costs. We know how much things improved when competition came into the aviation market. Ryanair not only reduced the cost of travel but also opened up more routes and brought millions of tourists to Ireland. We know about the effects of monopolies in telecommunications. We all remember how difficult it was to get a telephone when Telecom Éireann had a monopoly, we remember the cost of using a telephone at that time and we know

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how much things improved when the mobile telephone market was opened to competition during the last rainbow Government. Things improved also when the fixed line business was opened to competition under the parties on the opposite benches. We know how the beginnings of competition in the energy market have now reduced the cost of energy by allowing Bord na Móna, Bord Gáis and Energia to enter the electricity market.

However, competition is not a god and we must ensure we do not allow it or the free market to become a secular religion. In a secular society where religion is no longer so important people sometimes turn competition and the free market, or even human rights, equality or climate change, into religions that cannot be questioned. It is important that we always question competition and do not adhere to it as if it were a principle that cannot be breached or as if it were a secular religion of the right.

Competition does not work all the time. Many of us who live in this city will know how the liberalisation — I hasten to say it was that rather than deregulation — of the taxi industry has thrown up a number of issues and problems. It certainly solved the situation whereby we had to queue for two or three hours to get a taxi but has created other problems. There is now a problem of over-supply and the incomes of taxi-drivers have been reduced to subsistence level and even below.

I am sure Members will agree with me that competition policy must serve the public interest. In many ways, the legal bar on the Government negotiating with general practitioners, pharmacists and dentists on services to be provided to the public has not worked in the public interest. Competition legislation should be amended in that regard.

For Fine Gael, our recovery will be built on growth and jobs, not on bailouts or retrenchment. To grow our economy and create jobs we need new investment and consumer demand. Restoring competitiveness will help to do both. A robust and independent competition authority has a crucial role to play in helping to restore competitiveness by breaking up cartels, preventing price fixing, market-sharing and bid rigging, breaking up monopolies, blocking undesirable mergers and through the advocacy role of competition authorities. We want a competition and consumer commission that has the powers, tools and people to do this. That means maintaining an independent executive decision-making board, taking the competition authority sector reports seriously and implementing them, or, at very least, offering a reasoned response to them.

I was interested in and did some research on the different competition authority reports into the professions and what they called “the sheltered sectors of the economy”. There have been reports on liquor licensing, transport, casual trading, engineers, non-life insurance banking, architects, optometrists, solicitors, barrister, private health insurance and dentists. These reports go back as far as 1998 but few, if any, of the recommendations have been implemented. In the case of liquor licensing only one of four was implemented and in transport none was. I realise some progress is being made in the latter regard with the new Bill, but it has been slow coming and it is 11 years since the relevant report was issued. In casual trading only one of ten recommendations was implemented, for engineers one of two was. Concerning non-life insurance there were 21 recommendations but very few were implemented. Regarding architects, only three of 11 recommendations were implemented. There has as yet been no implementation of recommendations in respect of optometrists, solicitors or barristers. There were 29 recommendations concerning the latter group. In private health insurance a health insurance (amendment) Bill was promised but very little has been done on it so far. There has been no implementation of recommendations in respect of dentists.

That is not good enough. There is no point in having a competition authority that makes recommendations, publishes reports and engages in advocacy if the Government largely ignores those decisions. The Minister's predecessor made a policy announcement stating the Government would issue a reasoned response to recommendations of the Competition Authority. I call on the Minister to honour that and go back through all those reports, as far back as 1999, list all the recommendations and issue a reasoned response on each one.

He can indicate which will be implemented, how and when this will happen and the reasons others will not be implemented. It should be done retrospectively with all those reports as far back as 1999.

The new legislation should place a legal obligation so that all public and publicly-funded bodies — as opposed to Ministers — must issue a reasoned response to recommendations within a specific period of perhaps six or 12 months. This does not mean they must implement them but they will need to respond to them. That is key. The Government has been very keen in the past decade or 12 years to set up task forces, committees and inter-agency groups preparing reports and issuing recommendations but the Government never responds to them in a reasoned way. For example, it would never outline 20 recommendations, implement 12 and reject eight, while outlining how and why it would do so. That approach to Government is still not seen in Ireland but we need it. The Government should give comprehensive, reasoned responses to advocacy, reports and recommendations from public bodies of its creation.

We should also look at the possibility of lowering the threshold of proof. There has been some celebration of the fact that for the first time in Ireland we have had people convicted of breaking competition law, with one case bringing a suspended sentence. We should consider going down the civil route and having very large fines for such behaviour. The Competition Authority unfortunately often goes after the small guys rather than the big guys. If we are to go after them, deep pockets are required and we should be able to levy really expensive fines. The Competition Authority could become self-funding if it was in the position to levy the kinds of fines imposed by the European Union, which reach the millions of euro, rather than those amounting to thousands of euro.

We also need to enact some of the recommendations made by the Competition Authority in its submission to the review of the 2002 Act, particularly with regard to powers of search and seizure and information sharing with the Revenue Commissioners and the Department of Social Protection. That seems elementary. The protection of whistleblowers is very close to my heart. People either within companies or suppliers may be prepared to blow the whistle on anti-competitive practices and they should be protected if they do so. It is very important for this to be included in new legislation whenever it comes.

We will support this Bill but on Committee Stage we will propose some amendments. One will request Oireachtas scrutiny of the Minister's appointments. I will not labour the point as the House has heard my view and that of my party on the issue many times. I hope the Minister will support our amendment and not take the view that he can appoint anybody he likes to the Competition Authority without consulting the Oireachtas and asking for an opinion from its Members.

We will also put down an amendment relating to reasoned response, which I have outlined already. We will be putting down an amendment to allow the Competition Authority to grant a licence to the Government to negotiate with professional bodies such as the Irish Medical Organisation, the Irish Pharmaceutical Union and the Irish Dental Association, largely along the lines of the process in Australia, whereby the Government can go to the Competition Authority and request a licence to negotiate with these bodies in the public interest. When agreement is reached it would go to the Competition Authority for an opinion to ensure it

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would not be anti-competitive, and then the agreement can come into effect. We are not in favour of a blanket exemption for any trade association or business body from competition law. That would be a retrograde step.

On the question of vulnerable workers, such as freelance journalists, actors and musicians in casual employment, if the Government has a solution to this fraught issue now would be a good time to bring it forward. A commitment was made many years ago to deal with the issue and the Government should honour its commitments. I do not see why it cannot use Committee Stage of this legislation to bring forward a solution if it exists.

Nobody in this House believes freelance journalists, actors or musicians engaged in casual employment are a threat to the economy or competition. Any solution that the Government comes up with must be robust and should ensure that there are no knock-on complaints or demands from other sectoral interests which could potentially be a threat to competition if the door was opened with that option.

We will also seek an amendment to narrow the expertise field of appointees. Allowing the Minister to appoint anybody who is experienced in law, economics, public affairs, consumer affairs or business generally is a little broad; there are few people the Minister could not appoint as they would not fall into those categories. The stipulation could be a bit tighter and there could be a requirement to have experience of competition law, economics or consumer affairs. That would be a better option. We have been blessed to date in that although I am critical of many public bodies, the Competition Authority has capable and qualified people in key roles. That must be maintained and I do not see why it should not be enshrined in legislation. That would ensure the Minister and his successor would only appoint people of the highest calibre, who are not just aware of business and public affairs generally but are experts in the field of competition and consumer affairs.

We will support the Bill, although it is disappointing that it had to be brought forward. The issue could have been addressed either by holding competitions when the vacancies arose or by bringing forward the long-promised legislation to amend and improve the 2002 Act.

Deputy Willie Penrose: I am glad to have the opportunity to contribute to the debate on this Bill on behalf of the Labour Party. The Labour Party is astounded that we have arrived at this impasse, and it illustrates — if this was required — the failure of the Government to ensure the Competition Authority had the appropriate membership level. The authority appears to have been carrying a vacancy in its membership since January 2009, which is close to a year and a half ago. One must ask where does the level of incompetence in this Government begin or end or who was asleep at the wheel on this important issue?

I would not be as great an advocate of unbridled or untrammelled competition as my colleague, Deputy Varadkar, and I have referred to the issue on numerous occasions in committee. The mad rush to liberalise the taxi industry, as referred to by Deputy Varadkar, illustrates the point. We have competition-driven regulation in that industry and while there was an obvious need to increase the number of taxis, the business is now falling asunder. People cannot pay their road tax or for the licence. Unbridled competition can leave many casualties in its path and a free-for-all based on an ideological imperative has left much devastation in its wake. I will refer to that later.

What amuses me about the Competition Authority is that very often it is the small business arena that is its focus, as Deputy Varadkar noted. I chair the Oireachtas Joint Committee on Enterprise, Trade and Employment and we have been examining the supplier-retailer relationship. The failure of the Competition Authority in this regard is notable, and it has used every excuse under the sun in the following up of important issues essential to the industry. “Hello

money” under various guises has been demanded by large retailers from suppliers, and many of these suppliers operate in vulnerable areas. Many of the people involved were not in a position to come forward about this, some because they expressed fear.

This finding is contained in our recently issued interim report that has been sent to the Minister. The Competition Authority stood idly by while this went on. Had it been a small industry, the authority would have been in like a shot. Bringing competition to its nth degree, even in the professions leads to the yellow pack. Many barristers for instance take on cases and never leave a client unrepresented, which is never acknowledged in the various reports and recommendations emanating from those eminent bodies. If one knows the price of everything and the value of nothing, one will eventually reach a yellow pack situation. When ensuring there is representation, one must also guarantee its quality. I did not want to discuss this today, as I am a barrister and I do not want to get into that debate, but these are the types of activity that annoy me greatly. For these reasons, I do not give unqualified approval to everything the Competition Authority does. I would be less than honest if I entered the House and engaged in a hypocritical cant, namely, that the Competition Authority and everything it does are great. Often, the authority pursues lines with an ideological imperative, as illustrated by my colleague, Deputy Higgins.

Deputy Varadkar is slightly mixed up, as it was the Labour Party that introduced the Competition (Amendment) Bill 2007 to amend section 4. I was astounded when the Government rejected it. This Bill proposes to amend section 35 of the Competition Act 2002 to permit the appointment of three temporary members to the Competition Authority. It will enable the Minister for Enterprise, Trade and Innovation to appoint temporary members to fill current and upcoming vacancies, thereby ensuring that the membership exceeds the statutory minimum required to allow it to function properly. Obviously, this is correct if the validity of decisions made by the authority is never to be impugned. Therefore, we support the Bill in principle to ensure the authority is properly constituted, putting it in a position to carry out its important functions. We acknowledge that proper and appropriate, but not untrammelled or unbridled, competition will play an important role in ensuring that our country becomes competitive and will help us to deal with the current economic circumstances. We acknowledge that competition is important in this respect, but I emphasise that it must not be confetti to the wind where the consequences are allowed to fall wherever.

The number of members in the authority has fallen to three people, but was this not obvious to the Government? It was certainly obvious when Mr. Prasifka retired six weeks ago. Surely these matters were anticipated, as he did not retire suddenly. Surely he gave notice. Steps should have been taken promptly to deal with the situation and obviate the need to introduce legislation that only facilitates the appointment of whole-time members for a short period. The Minister envisages this to be six months, but he reserves the right in legislation to appoint people for a further six months. I understand the reason. For example, the Public Appointments Service, PAS, might not have made a final decision or people might need to give notice before leaving their current positions to take up the appointments. This is fair enough and I see no difficulty with it. Whole-time members will be appointed by the PAS, an independent process. It is important that the PAS is independent in making its appointments, an aspect fully and unequivocally supported by the Labour Party.

Mr. Declan Purcell has been appointed chairman of the authority, apparently on a temporary basis until a full-time chairperson can be appointed. I understand the Minister is working on this under the recruitment process to which I referred. I acknowledge Mr. Purcell's previous role and work as head of the Competition Authority's advocacy division. He has a long and distinguished career in the public service. I anticipate that he will adopt a reasonable and commonsense approach to issues within his remit and will work hard to ensure that competition

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will benefit consumers and businesses alike. I hope he will not adopt an ostrich-like position and will instead take cognisance of the surrounding circumstances.

In particular, I hope he will note the attempts by large retailers to expand rapidly, often in out-of-town centre developments, by seeking to have retail planning guidelines significantly altered to suit them, but all under the guise that the consumer would benefit. In other words, it is always about the price. However, this would be to the detriment of corner shops, shops in small town centres and rural shops. These may not be as competitive in their prices, but they give a service, are well located and are open at 9 p.m. or 10 p.m. when someone needs a pint of milk, loaf of bread or something else that he or she has forgotten. These social and value issues are as important as matters of price, which often appear to be the driving force behind the Competition Authority's view, thus effectively allowing the massive retail complexes to act in a Hoover-style mopping up of potential footfall and leading to the eventual closure of the small shop outlets to which I referred. Many of those outlets act as more than just shops. They act as service outlets. When they have disappeared from the Irish landscape, as occurred in England when numerous shops went to the wall, a significant part of the country's rural fabric will have been eliminated. Only large retail stores will be left standing, a vivid replication of the Darwinian theory of evolution whereby only the strong survive. Perhaps the very strong will be on their own.

Who will judge the Competition Authority then? It is the master of all its surveys. It has made these decisions, but who is policing them? I have heard this question asked in academic circles and, sometimes, legal circles. What kind of a society will we have left? These questions must be asked. While the authority is within its right to look for value for consumers and to ensure businesses comply with guidelines, regulations and so on, it must do more. It must consider the social implications of its decisions and of the rush to the headland wherein the only determinant is price. The loss of small shops and the subsequent loss of vital jobs in rural Ireland will be the inevitable result, the whirlwind of a pure and unadulterated competition policy. We must tread warily and acknowledge that other factors are at play.

In the Joint Committee on Enterprise, Trade and Employment's discussions with the former chairman, my approach to these important matters differed significantly from his. I hope the new chairman and the authority in general will recognise these as important issues that cannot be air-brushed out of existence in the interest of an otherwise mad rush to embrace unbridled competition. As Deputy Varadkar stated, competition is not a god. Sometimes, it is a signal or an objective, but it should not be the be all and end all. This is what worries me about some of the decisions taken by the authority.

The Competition Authority plays an important role as an independent agency that reviews and examines mergers and acquisitions and, by the adoption of the best international practice, scrutinises important areas. The High Court quashed a decision by the authority to block the Kerry Group-Breeo merger. I understand the matter is before the High Court on appeal, so I will say no more except to state that I have a view. It is important to point out that a number of the authority's decisions have raised eyebrows and did not find favour at a practical level. My colleague, Deputy Edward O'Keeffe, has articulated these concerns several times at committee level.

I turn to section 4 of the Competition Act 2002. A source of major disappointment to the Labour Party in respect of this Bill is the Government's failure to use it to amend section 4 of the Competition Act 2002, which has given rise to consequences that were unforeseen when the latter was passed. The Government has reneged on commitments it gave early in 2009 to amend this section of the 2002 Act. It is regrettable that the Government, on foot of its abject failure in this regard, has let many people down. I cannot lay the blame in this regard at the

feet of the Minister for Enterprise, Trade and Innovation, Deputy Batt O’Keeffe. I congratulate him on his new portfolio. He is a straight shooter and I look forward to engaging in constructive discussions with him. In my opinion, the Minister will accept amendments and will listen carefully to what Members have to say. He has good acumen in that regard.

Nowhere in the 2002 Act is there a clearer diversity of views than in the section to which I refer. That was the generally held opinion among those who were present in the Dáil when the legislation was passed. The suggestion that consumers are solely interested in price is an appalling distortion of the position that obtains. Deputy Higgins has been to the forefront in the context of seeking to have section 4 of the Competition Act 2002 amended. He prepared and published a Competition (Amendment) Bill in 2007, which clearly specified that section 4 of the 2002 Act is an impediment to established negotiation practices, including those protected under trade union legislation.

The Government voted down Deputy Higgins’s Bill in 2007 and ignored the implications for actors, self-employed artists, pharmacists and others. Members will recall that at that point pharmacists were at loggerheads with the HSE because it had taken unilateral action and would not negotiate with the Irish Pharmacy Union, IPU. It was never envisaged that the 2002 Act would prevent negotiations with representative bodies in respect of members who supply services to citizens on behalf of the Government. What has happened in the interim is, therefore, incredible.

As I recall, the Competition Authority was prepared to go to court in respect of Equity, the actors’ union, which is a member of SIPTU, to argue that it had no right to represent freelance actors. Four or five years ago, there were some 5,500 such actors. Everyone is aware that very few actors, freelance journalists or others like them are in full-time, permanent employment. However, these individuals are still entitled to representation. Labour, above all other political parties, would cherish that right and fight for it to be recognised as a fundamental human right.

As Deputy Higgins has stated in the past, the right to collective representation cannot be swept aside in the name of competition. We have consistently argued that the correct response to the position in which artists and others find themselves is to amend section 4 of the Competition Act 2002. This would vindicate the provisions of the Trade Disputes Act 1906, Trade Union Act 1941 and the Industrial Relations Act 1990 and ensure that those to whom I refer and similar groups can organise collectively to better their own terms and conditions of employment and service. Why did the Competition Authority insist that artists, freelance journalists, artists, musicians and others who, as Deputy Higgins has stated on numerous occasions, do not, as a result of the nature of their occupations, enjoy continuous employment? Why should these people be denied the right to be represented by trade unions? Was this view driven by an ideological imperative? How could artists, musicians and freelance journalists be classified as “undertakings”?

The Government rejected the Labour Party’s 2007 to the Competition Act 2002. As part of *Towards 2016*, however, it announced that following public consultation — surely it could have acknowledged that my party had advised it of the difficulties in this regard a year prior to the publication of *Towards 2016* — it had “as part of its review of the operation and implementation of the Competition Act, 2002 ... examined the interaction between that legislation and provisions of the Industrial Relations Acts as regards the issue of collective bargaining for certain vulnerable workers”. It is also stated in *Towards 2016* that:

The Government is committed to introducing amending legislation in 2009 to exclude voice-over actors, freelance journalists and session musicians, being categories of workers formerly or currently covered by collective agreements, when engaging in collective bargaining, from the provisions of Section 4 of the Competition Act, 2002, taking into account,

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inter alia, that there would be negligible negative impacts on the economy or on the level of competition, and having regard to the specific attributes and nature of the work involved subject to consistency with EU competition rules.

It is a matter of great regret, to those in the trade union and everyone else, that the Government has to date failed to bring forward the relevant legislation.

I acknowledge the Minister's statement to the effect that he intends to bring forward a comprehensive Bill. If the amalgamation of the National Consumer Agency and the Competition Authority had taken place, there would be no need for such a Bill. We were promised that said amalgamation would take place in 2009, again over one year ago. In his speech on Budget 2009, the Minister for Finance indicated that this amalgamation would form part of the rationalisation process. As someone who advocates caution above rushing headlong into rationalisations, amalgamations, etc., I am of the view that it is necessary to consider the consequences of one's actions.

We all know what happens when people make statements, off the top of their heads, as did the former Minister for Finance, Charlie McCreevy, in respect of decentralisation in one of his budget speeches. We have witnessed the ramifications of this decision in that regard. I would support decentralisation but we all saw when happened when the former Minister made an impulsive statement. There were implications in respect of expenditure, etc., as a result of what happened on that occasion. People in Mullingar are extremely disappointed that the long-promised decentralisation to their town has still not occurred. Planning permission and land have been secured but a building has not been constructed. Some 300 people are awaiting decentralisation to Mullingar.

We want to ensure that initiatives such as decentralisation are dealt with properly, that competition law will be updated and that the new competition body will be created. In that context, the Labour Party will be bringing forward amendments on Committee Stage in order to ensure that section 4 of the Competition Act 2002 will be amended in a way that will reflect the intention of the Legislature when the Act was originally passed. We are seeking to ensure that people will have a right to collective representation and collective bargaining rights and to be represented by a trade union, whether it be Equity, as part of SIPTU, the IPU, the Irish Medical Organisation, IMO, the Irish Dental Association, IDA, the National Union of Journalists, NUJ, etc. Rights such as those to which I refer are fundamental in nature and the Labour Party believes them to be extremely important.

My party is giving careful consideration to the code of practice relating to those who carry out business in the grocery sector and wants to ensure the protection and promotion of fair trade between retailers and suppliers. Those we have met have indicated that if action is not taken now, there will be few suppliers because most of them will have been wiped out. I refer, in particular, to those involved in the agriculture industry in this regard. How can farmers be expected to continue production when supermarkets, etc., are selling cabbages at two for the price of one? Farmers will eventually be wiped out because it is uneconomic to operate at the level to which I refer. It is important, therefore, that we should examine this matter in detail.

The Labour Party proposes that a statutory code should be introduced and that an ombudsman be appointed to supervise this. The authorities in Great Britain have made progress in this regard. The relevant committee has, following much detailed consideration, put forward suggestions in this regard. People may state this is in the interests of consumers and that a form of protectionism is being proposed but it is no such thing. Eventually, the suppliers of this country will be wiped out and there will be more unemployment. Ultimately, Members are all consumers and shoppers and many have sons, daughters, nieces and nephews who are

employed by those suppliers. Were they to be wiped out, a greater ream of unemployment will be created and we will have nothing to call our own. We will possess a large import industry to bring goods into this country.

Therefore, I look forward to that Bill. I hope the joint committee will have produced a comprehensive report that probably will be of assistance to the Minister. While it probably would mean a further delay of a few weeks to the Bill, I hope the joint committee's full report will be available by June. It would make a contribution to the Minister's assessment of what may be required in this context. I note the majority of the joint committee's membership also are members of the Minister's own party and undoubtedly will outline at parliamentary party meetings what the joint committee intends to achieve in that regard. The Labour Party supports the Bill in principle but will table one or two amendments to reflect some of the views I have echoed in this Chamber on its behalf today.

Acting Chairman (Deputy Jack Wall): Deputy English has 20 minutes.

Deputy Damien English: I doubt whether I will need the entire 20 minutes but I will take a few minutes to make some comments. While the Bill is important, it is not massive. I will make a few comments on both the Competition Authority and on the Bill.

First, I find it strange that the Minister was obliged to introduce a Bill to do what is proposed but I understand he must do so to make a temporary appointment. The process of appointing people appears to be very slow but such a process must be gone through. Perhaps in future, for those authorities that must have a certain number of members, a panel of substitutes could be put in place. Substitutes always are available for any bodies on which Members serve who automatically can take up a vacancy. My suggestion for the future is that when interviews take place, this might be a useful way to give everyone a positive response at the interview stage and of having them on the board anyway.

This Bill proves that when it must, the Government is able to introduce a law very quickly. I make this point because Members often call for badly-needed legislation but are told it would take months or years. Alternatively, important Bills hang around in the House and it is ridiculous that some Bills have been before Dáil Éireann for nearly as long as me. This proves the point that when the Government so wishes, it can get it together and a Bill can be passed through the Houses.

This Bill does not do much apart from addressing a temporary situation but it provides me with the opportunity to speak about the Competition Authority. I acknowledge the Minister is bringing forward new legislation shortly to merge the Competition Authority and the National Consumer Agency, to make changes and so on. However, members of the Joint Committee on Enterprise, Trade and Employment and other committees have had a few discussions with the previous chairman of the Competition Authority in recent years. Members debated its work and went through what it does. It is fairly apparent that the authority needs more powers and new laws. While the representatives of such bodies who appear before a joint committee will never tell Opposition Members the real story, I hope they approach the Minister behind the scenes and apprise him or her of their needs.

It was quite clear to me, as I listened to the contributions and went through the reports of the Competition Authority, that it needs greater powers to move through the court system much faster. There is not much point in having a Competition Authority if, for example, in the case of one of the car cartels it investigated, the case went on for years. However, those involved went unpunished in the meantime and nothing changed. Alternatively, if the Competition Authority detects a practice that is wrong, it is unable to stop it dead in its tracks but must go through the legal system to do so, like anyone else, which can take a number of years. While

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the publicity surrounding an investigation might get the message out to the public, not everyone would be aware of it. Consequently, I understand that such bad practice can continue while waiting for the authority to prove its case. I accept there must be due process and so on but the best way to solve this issue is to make it a fast process and to make such decisions. If someone is acting illegally or uncompetitively or at an advantage to someone else, it should be dealt with quickly. The only way in which this can be achieved is by giving further powers to the Competition Authority. While it may be through the provision of more money or staff, it also should be given quicker access through the court system or a special court system should be established. This is not a lecture but is merely my point of view as developed from listening to contributions to joint committee meetings. Reading between the lines, something is holding the authority back from doing an excellent job. I acknowledge it does quite a lot of good work but the authority needs a little more to be perceived as a threat.

The majority of businesses in Ireland operate properly, do their best and so on and try to make profits in a tough environment facing tough costs and so on. However there always are a few rogues who must be nailed there and then because otherwise the practice spreads and one encounters a few more such operators in the same business. It is highly unfair to a business that does everything by the book and in a law-abiding fashion to be operating next door to someone who is breaking the law. The person who breaks the law will gain in the short term, which is unfair to a proper business that is providing good employment and so on. Consequently, there is a duty on the Government, through all its agencies, to move as fast as possible.

Second, I refer to the proposal to merge the National Consumer Agency with the Competition Authority. I have a problem with the former and the work it did or did not do in recent years. I believe it was a case of it closing the gate after the horse had bolted. When recessionary times hit, it highlighted that massive price differentials between those that obtained in the Republic and across the Border. Moreover, it encouraged people to cross the Border. I also should note that I had problems with the actions of the then Minister, Deputy Coughlan. As the present Minister is new, I will not blame him for that just yet. However, there was a role for the agency to try to correct the movement across the Border of those who thought they would get a better deal because such deals were nearly gone. While price comparisons had been done, they were out of date and when retailers in the South reduced their prices, the National Consumer Agency and the Government were very slow to correct the information or to explain to people that the position in the South had improved and that they should consider spending their money here. The hysteria still obtained and the message still was that one should go to the North to spend one's money. Moreover, this still is happening, which is costing jobs in the South, as well as a loss of revenue to people.

My understanding, from the extensive investigations by the aforementioned joint committee, is that Irish people do not mind paying a little extra for certain items because they know this is a small island. They acknowledge the country's population, at only 4 million people, is not massive and is not comparable to that of England, for example. Consequently, while there will be a difference in prices, they will not accept being taken for a ride by anyone. A massive price difference means that people will travel but if only a small difference obtains, people understand that for jobs and so on, it is worth spending their money down here. It is the Government's role, through all its agencies, to keep that message current and to encourage people to do this. Perhaps I am being harsh in this regard but I believe that although the National Consumer Agency did much in the first instance to raise the issue, it did not do anything subsequently to clarify that the position had changed. Although the great deals that people may think are to be had in the North no longer exist, it is only when they go there that they realise this.

Second, I hope this will be remedied in the forthcoming changes, but the agency did not do anything regarding any of the costs to business. All such costs to business are passed on to the consumer and are added to the price. While I acknowledge that many retailers made profits above what was appropriate in comparison with other countries, there still are high costs associated with doing business in the Republic. Moreover, the majority of costs that are too high in Ireland are in some way connected to the Government. I am not being partisan in this regard and am not blaming any particular political party but simply am stating the reality. For example, Ireland's insurance costs are among the highest and the same is true in respect of banking charges, telecommunications, energy, council rates and so on. As for contribution levies, if one wishes to start a business, one is obliged to pay out tens of thousands to a council simply to open the business. Talk about restrictive practices.

All these costs went unchecked, with the exception of the efforts of a few Members on this side of the House who tried to raise the issue periodically. Apart from that, no agency considered such issues and this is what the National Consumer Agency should have been doing. It should not simply have been examining other costs and it should not have been afraid to consider Government-related charges as well. Regulated businesses operated on behalf of the Government, such as energy and so on, increased costs for business that were passed on to the consumer yet the National Consumer Agency never touched on them or conducted a comparison on them at all. The reason for this is obvious but this should change. If it is going to be truly independent, it should act independently and where prices are too high, it should say so, regardless of who causes or is responsible for that price in the first place. Prices must be brought down if Ireland is to be more competitive in the future and is to be able to compete with other countries in exporting, for jobs and so on. This must be done because otherwise we will suffer badly. One can have all the cutbacks one wishes and all the *bord snips* one likes and all the bailouts one wishes for but unless our export markets are increased, Ireland will not be able to emerge from the problems it faces. The only way we can do this is to trade our way out of it.

I am afraid that for ten or 15 years, buying and selling houses from and to one another was not good for the country. While it might have enriched individuals, it did not enrich the country. It was a false pretence and we suffered during those years. I know the Minister will tell me that exports are rising. While this is the case, they should be doing much better and ten or 15 really important years of good times were lost, during which time this country could have exported a great deal more and could have done a lot better to be in a better position. In the future, if we get our costs right, then we will have jobs. When the Competition Authority and the National Consumer Agency merge, they will have a role in this regard and I hope the Minister will take this on board.

As for making appointments, be they permanent or temporary, my party and I have a major problem in this regard. I am sure that my colleague, Deputy Varadkar, has dealt with this matter already. What is wrong with bringing before the joint committee people the Minister would recommend for positions whom he believes have the necessary qualifications, even if they are quite wide-ranging, be it in law, economics, public administration, consumer affairs or business generally? That range of qualifications covers nearly everybody. Those people should appear before the joint committee and present their case. They could explain why they are suitable for the job, show us their CV and we could ask them questions. This should be done even if the Minister does not give the joint committee the power to make the final decision, which I accept is probably the Minister's decision. I would like if that were changed but that is position. There is nothing to prevent the Minister from allowing those people to be brought before the joint committee to be questioned — not to be interrogated, made feel bad or to investigate their personal life, but to deal with their qualifications for the job, be that the position of chairperson or member of a board. These are public appointments and they should

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be subject to public scrutiny. This has to be done by TDs in this House and such a change alone would make this House more relevant. People to whom we listen, our constituents and ourselves look with envy at other countries that have this procedure and do this properly.

The Minister is a practical man and I am sure he agrees with me on this. I hope he will use his office to ensure this is done. If he even achieved that in his few years in office, although he might be only there for a short term before the next general election — he would make an impact. That is one proposal he could bring to the Cabinet table. It would be an important change, especially in Department of Enterprise, Trade and Innovation. We did a critique of how that Department has worked based on the Government's analysis of it on foot of a report, the name of which escapes me, which was done for the Department of Finance. It set out a spot analysis of the Department, all the practices that should be changed and so on. I am not convinced that we made all those changes, although some progress has been made on them, but I questioned the previous Minister on whether enough has been done. I expect the new Minister to drive forward that policy. Many of the problems could be solved by bringing the people he proposes to appoint to the various agencies, of which there are quite a number under his remit, before the joint committee to enable us to have a good conversation with them to ascertain their thinking, note their CVs and so on. I hope that will happen in the future. As I said, the Minister could have a panel of people lined up to take up these jobs rather than having to waste time. I have dealt with the question of the National Consumer Agency.

On the role of the Competition Authority in making decisions, Deputy Penrose referred to the discussions being held on the planning laws governing the square footage for supermarkets and the restrictions that apply in that respect, which are in place for a reason. In most cases they are beneficial, protect town centres and encourage existing businesses to remain in town centres. However, there is room for everybody to have a say and for the large retailers to be located on the outskirts of towns. Consumers love the idea of having a big shopping centre with a large car park where they can do their shopping. They love that idea because it is convenient but it is convenient because we have failed town centres. There is a duty on Government, though all the Departments, to correct this, be it in terms of parking or traffic management, and to make it easier for people to shop in town centres and to rebuild town centres. Then there would be fair play and consumers would be happy to shop in either place. If we allow the huge supermarkets to become even bigger, they will Hoover up all the business, of that there is no doubt. That has happened throughout the world. They will Hoover up businesses and draw customers to shop in one place, which will result in job losses and business closures in town centres and elsewhere.

The Competition Authority has a very strong position on that, namely, that it could not restrict the size of such premises and it advocated increasing the size laid down. I know where it is coming from on that, which is with a view to ensuring there is competition. However, the job of the Minister and the Government is to get a balance in terms of what is right across the board for the consumer in the long run. Sometimes the Competition Authority makes a decision that will benefit the consumer for perhaps the next few years but in the long run if shops close and there is less choice the consumer will lose out, of that there is no doubt and, furthermore, jobs will be lost in the meantime. I hope the Minister will bring a balanced approach to this matter. I hope he and other Ministers, including the Minister, Deputy Gormley, who has a role in this area will listen to such a balanced approach.

The Minister said that he intends to implement a code of practice for transacting business in the grocery goods sector. I know it is intended to introduce a voluntary code first, which has been discussed, but I have not seen any conclusive evidence to prove that will work. The Minister should consider putting this on a legal footing now rather than wasting time introduc-

ing the code on a voluntary basis, seeing how that operates, having a review on it and then deciding two years down the line to put it on a proper legal footing to protect suppliers and producers of goods. That is what we need now. If we let this drag on and we introduce a voluntary code which does not work in practice, jobs will be lost and people will be out of business. It is important this be put on a legal footing. As the Chairman of the joint committee said, considerable work has been done on this. We have gathered a good deal of information and research and I am sure all the agencies under the Minister's remit have that same information. He has some excellent people in the Enterprise Ireland and in other sections who work with those in the food sector, who talk to them on a daily basis, help them with their business plans and make money available to them. They know what is happening in the sector and that there is bad practice there. We have to do something about it. It would be wrong to let this drag on and we would regret the decisions to so do.

There are bullies in the retail sector. This Government and country should not be bullied by anybody, even if it is done under a cover up that such practice is beneficial to the consumer. It is not in the long run and it is not good for this country if jobs and good products are lost as a result. Suddenly consumers will be left with very little choice but to buy imported goods. That is what will happen if we do not take action. I do not mean to be dramatic about this, but that is a fact because we know what is happening in other places. That is part of what we are talking about here. I hope the Minister will bring the common sense approach to this Department that he brought to his previous Department and listen to our views on this matter.

The Committee on Enterprise, Trade and Employment does a great deal of excellent work, its members put in many hours and its membership is cross-party. I do not believe there was ever a vote at any of its meetings. Good research has been done in this area. The Minister of State, Deputy Calleary, was a member of that committee and served well on it. It has gathered good information and I ask the Minister to put it to use. He should not leave those reports lying on top shelves gathering dust because that makes a mess and a mockery of what we do in this House. The Minister should use the good information available and make quick decisions based on it. We have suffered as a result of inaction during the past few years when it comes to this portfolio and that is the reason there has been an increase in job losses. We must make some quick decisions and move swiftly.

Deputy Paul Connaughton: Like my colleagues, I do not have a difficulty with the Bill. Having served in this House for a long time, no more than the Minister, I want to ask him why all this was not foreseen. I saw these people at committee meetings over the years and surely there must have been some indication that they were going to leave. I appreciate that people come and go all the time, but in this respect there must be a proper mechanism in place. I am sure this will not be the biggest problem that will beset the Minister in his office. Many people will ask why we are wasting the time of the Dáil or what is the necessity for having to do this. I appreciate that, legally, the Minister had to do this, but at a time when 425,000 people are unemployed I cannot understand why it was not possible to get people to take on those jobs. I hope that this will not happen again.

I recall on number of occasions being at committee meetings, such as the committee to which Deputy English referred, at which officials of the Competition Authority were present. I always thought that its objectives were right and I understood from where it was coming in what it did. This matter was mentioned by a number of Deputies. There have been several legal requirements in the way of its acting. I recall at the time of the home heating oil saga, it successfully prosecuted a number of home heating oil suppliers that were obviously acting in concert in terms of the prices being charged. That case was successfully brought through the courts. I got the impression on several occasions since then, and I will refer to a few cases, that

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had the Competition Authority more teeth, staff and energy it could have done and should have done several other things during the past few years. That is the reason the Fine Gael proposal that the Competition Authority should be merged with the National Consumer Agency into a new Irish fair trading authority would make a great deal of sense. It is possible that the Minister will also realise the necessity for doing that when he is in the Department for a little while and he might even go so far as calling this proposal his Bill. That is what happens in politics, but one way or the other if it is good for Ireland, that will be okay.

When we talk about competition, one of the first people who comes to mind is Eddie Hobbs, who began the campaign on competition and rip-off Ireland. We in Fine Gael ran a website, *www.ripoff.ie*, which was extraordinarily successful, received thousands of hits and touched a pulse with most people. People get the feeling much of the time that they are being ripped off but they do not know why or how. All of this gave a new awareness that this happens to individuals a thousand times in a year. For some strange reason, a product is a certain price here and a different price 50 miles down the road.

I come from a farming background. Many years ago, I got myself into a position where I was a very minor player in the Goodman inquiry when I said I thought the meat factories were in concert with each other. While I genuinely believed it at the time, once the report came out, there was not much about the meat factories being in concert with anyone, although that is another story which we will not open up today.

It is a fact that there is a real lack of competition, although when competition is overly severe, this can sometimes have major negative effects, an issue raised by Deputy English. I have seen several recommendations from the Competition Authority over the years. It appears it never laid a hand or a glove on any of the Government Departments and, for some strange reason, simply steered clear of them. Was it that it knew the Minister too well or that it did not want to take the flak from the Government? I do not know. However, there was no area where service prices increased more than in the areas serviced by either the Departments or local government.

Take refuse charges, for example, which are a policy to print money. Some made huge amounts of money out of landfill sites and there did not seem to be any controls. The Minister, Deputy Batt O’Keeffe, knows this problem as well as I do, given it is central to his new role. Take the cost of electricity and gas over the years. We know the cost has dropped significantly over the years but it appears it will be on the way up again.

I am delighted the Minister is present. As I said some weeks ago, there is one aspect of pricing I cannot understand. Some 18 months or two years ago, the price of crude oil spiked at \$140 a barrel and the talk throughout the country concerned whether supplies would run out when prices here reached €1.35 to €1.40 a litre. I filled my car with diesel at a service station in recent days at €1.30 a litre and I am told this price will continue to increase. However, when I checked the price of crude oil last week, it was \$82 a barrel, which is a long way from \$140 a barrel, yet the price spike is still increasing.

The Minister or another member of Government should tell the House who is ripping us off in this regard. I assume it is a huge international financial matter but, whoever is doing it, can a national Government do anything about it? We talk about the cost of living but we cannot ask commuters to pay that sort of price, particularly as I am told it is likely to increase by 10% or 15% in the next four or five months. It is against this background that someone needs to start asking very serious questions. At one time, we used to say it was the oil producers of OPEC which screwed us, saying “We own the oil, we are pumping it out and we will give it to you at our price”. This is no longer the case. Oil is almost half the price it was but we are still

paying more for it, which is a problem. While I do not know what authority should solve it, somebody would want to explain it.

I wish to raise a hobby horse of mine, namely, the grocery business. It is very important that we have a wide variety of products and fine establishments and supermarkets. On the other hand, it is extremely important that we balance that with the display of the best of Irish farm products. The Minister will hear much about the following issue in his current role. I have not the slightest doubt there is no shortage of hello money being sought and given in regard to the display of products in supermarkets. It is like a fiddler's elbow, and they are all at it. To what extent they are at it, I do not know, but it is putting remarkable pressure on producers.

This is a con for consumers. What the retailers are suggesting is that if they tighten their grip and lower the price of the product coming onto the shelf, this has to be good for the consumer who is buying the product. If people were not that long out, they might believe that. However, if one thinks about it, what will happen, as Deputy Penrose noted, is that two heads of cabbage will not grow on the one stalk because they must have room. If we continue down this line, the primary producer will get pushed out.

While this is more relevant to the overall issue than to the Bill, I point out that we spend great amounts of money through the Oireachtas to ensure people farm properly and that the best possible products are made available by Irish farmers. The Leas-Cheann Comhairle knows what I am talking about. If great pressure is put on the producers, they cannot make a profit on what they sell. I am a suckler cow farmer. If I sell my weanlings every year and get €100 less than the cost of producing them, I cannot stay in business even though I am farming to the best possible standard — it is as simple as that. This cannot continue for much longer.

Take the situation of those tillage farmers producing wheat for bread, who will be steam-rolled out of business. If that happens, we can of course buy in wheat from wheat-producing areas of the world but it will be bought at their price. There will be years when it is cheaper but, believe me, there will be years when it is much dearer and of much inferior quality. That is the kind of conundrum which faces the Minister, and it is not an easy one to answer. I have no doubt it is an issue to which he will want to return. The Competition Authority and the National Consumer Agency have a huge say in what will happen in the future in this regard.

The situation is serious. The Minister has talked of a voluntary code of practice. While I am not an expert on the matter, I understand this was tried in England with very poor results. If the Minister believes a voluntary code of practice would work, I cannot understand why he does not introduce it on a statutory basis. At the end of the day, there are competing national demands. There are the consumers on one side and the producers on the other, with the profiteers in the middle. It is a fact that in recent years, given the recession, the single industry that seems to have made the most money, other than the builders and developers who are now with NAMA, is the retail industry. People have to eat no matter what income they have. Against that background, a huge issue arises. The Minister should take the bull by the horns and introduce a code of practice which will be implementable. The introduction of a voluntary code, given the current atmosphere, will not work.

I wish to refer to one other issue before concluding. The issue of planning permission in terms of the area granted or not to major retailers in country towns and cities has been kicked around a great deal. During the past year or so, a major retailer opened a fine premises in Ballinasloe, County Galway, which is in my constituency. It appears to be working well. However, we must ensure we do not pull the heart or lifeblood out of local towns, some of which are big towns. These developments are opening up on the fringes of towns and are pulling business from the centre of our towns, leaving us with nothing but shabby, badly run

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towns. Without footfall in the centre of any town, the heart dies and we all know what happens then.

We can have the competition that housewives and consumers need. However, at the end of the day we must ensure these developments are of a size and model that does not ruin our towns and cities. Fine Gael has no difficulty with this Bill which provides us with an opportunity to put on record our thoughts on the various agencies covered therein. It is hoped that regardless of what happens to the staff in the future it will not be necessary to again introduce a Bill of this type.

Deputy James Bannon: This is an emergency legislative measure to allow the Competition Authority to function with the required number of members. As stated, it will amend section 35 of the Competition Act 2002 to allow for the appointment of temporary members to the Competition Authority. I believe it is necessary we avoid legal challenges to its decisions. These measures will remain in place until such time as all current vacant positions are filled. The appointment by the Minister of a temporary chairperson prior to the debate on this Bill is an example of the Government's reliance on retrospective legislation. Was it necessary to put the cart before the horse, which is what the Minister did? The Minister made the announcement in respect of that appointment only seven days ago. Could that appointment not have waited until after this debate?

The question that must be asked in the context of this legislation is why there are a number of vacancies in the authority. Is the loss of members due to natural wastage or is there another reason which is being kept under wraps by Government? I would like the Minister to respond to that question this evening. There may be a common cause to a number of people leaving an organisation at the same time. If so, we need to know this.

A number of authority members are due to leave to take up new positions and others have reached retirement age, which is relevant in all areas except politics where often people are permitted to remain on forever. There is in place legislation which states that people must retire at a certain age. I am aware that a number of managers and directors of services in my own county retired having reached the age limit set down in this regard. The legislation dealing with ageism allows people to continue in employment for additional years.

As a result of vacancies, the authority will soon be unable to meet its statutory requirements of having in place a chairman and a minimum of two full-time members. While it is impossible to make provision for an unexpected resignation surely it is possible, even for this Government, to predict a retirement. The Government has informed us it would take too long to organise a public appointments competition and to find people of the necessary calibre required to fill the vacancies in the Competition Authority. However, it is not good enough that this situation, which now requires emergency legislation, was allowed to develop in the first instance. The Government has a responsibility to ensure that full-time members are available to such authorities. This is an indication of just how paralysed and out of touch this Government has been for the past number of years. What we need in this country is a general election and a clear-out of tired, jaded Ministers. There is much public anger in this regard. The bottom line for many people is to see this Fianna Fáil-led Government go out of office. It has been *in situ* for 20 of the past 22 years and nothing appears to be going right for it because it is not tuned into what it should be doing. This Government is a big disappointment to the nation. There was much hullabaloo and spin when Deputy Bertie Ahern took over the Fianna Fáil Party. The spin continues in this Government.

Acting Chairman (Deputy Darragh O'Brien): The Deputy must speak to the Bill.

Deputy James Bannon: I will but the truth is important.

Acting Chairman (Deputy Darragh O'Brien): Relevance is important.

Deputy James Bannon: The truth must be told. The people of this country have been let down by this Government. There is a lot of anger out there. The Acting Chairman, like many of his colleagues, does not like to hear the truth.

There is currently an industrial dispute taking place in the public service resulting in parliamentary questions from parliamentarians not being answered. This is causing severe hardship to the sick and elderly of our communities. I would like to see this issue addressed. It is important we get or take opportunities to address these issues in this House. Ministers do not appear to be tuned in.

Acting Chairman (Deputy Darragh O'Brien): The Deputy will have ample opportunity to address these issues in another way. I must remind him that his comments must be relevant to the Competition Authority Amendment Bill 2010.

Deputy James Bannon: I have raised these issues by way of Standing Order 32 and on the Adjournment but they have not been accepted for discussion perhaps because they will embarrass the Government. We all know of the shady deals of Fianna Fáil in government with personnel from the Galway tent. There has been a huge abuse of power. It is important to put on the record that there was a great deal of abuse of power and cronyism in the system and that that cronyism remains. Let us make no mistake about that.

The Bill proposes to allow the Minister to directly appoint temporary members to the Competition Authority for a limited period of six months with the option to extend this for a further six months. With a Government foot in the door, it is hard to believe in the independence of this authority. I support the Bill because there is no other option. However, I condemn the negligence of the Minister and Government which has led to the need for this legislation. This lack of foresight must be linked to the Government's total failure to properly regulate competition, which is the driving force of any sound economy. The work of the Competition Authority is particularly necessary during this time of economic recession. Healthy competition is good for Irish consumers and keeps down prices. To have a situation where the authority cannot function due to a lack of requisite members is an indictment of the Government. How can we be expected to climb out of recession with a Government that fails to give the necessary priority to competition regulation?

3 o'clock

I did not get a chance to congratulate the new Minister on his appointment to this portfolio. I hope he does better than his predecessor because she was a disaster and her failure to have a hands-on approach to the issue of job creation has led the country to a position where 450,000 people are unemployed. My constituency of Longford-Westmeath has more than 15,000 unemployed people at present. This is a dreadful reflection and indictment not alone on and of the Government but also on the two Government Deputies in the constituency, Deputies Peter Kelly and Mary O'Rourke. They have to take some responsibility for the huge number of unemployed people in the constituency. Those numbers had never before been reached during the lifetime of democracy in this country.

What has happened is a scandal. Longford has not had a new industry for 20 years. There was too much interference five, six or seven years ago when the national spatial strategy was announced. There was political interference by none other than the then Minister for Finance, now Taoiseach, Deputy Brian Cowen. He developed the idea of having three cities in the midlands, leaving towns such as Longford and Portlaoise on the hind tit. They were left out of

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the equation entirely and this was wrong. What should have happened in the national spatial strategy was that one centre — Athlone — should have been developed in the midlands and all of the other towns in the region should have been feeder towns to it. That would have been proper planning for the midlands. However, it did not happen because of cronyism and political interference by the Government.

What has the Competition Authority done for small companies and the economic well-being of rural towns? In my town of Longford, large companies have set up in the town but then, for cost-cutting reasons, have moved to the outskirts. This does untold damage to the small companies that survive on the back of such large organisations. The economic heart is torn out of the town and the well-being of its business community is destroyed. I listened with interest to what Deputy Connaughton had to say on this issue. It is important that we, as a society, preserve small local shops while at the same time retain competition in the system for the sake of the consumer.

In the current economic situation, it is more important than ever that an organisation such as the Competition Authority should ensure that the breadth of its operations extend to the protection of hard-pressed small companies struggling for survival. This is happening in towns throughout the country, particularly in the midlands. The extension of town centre shopping malls has been a mixed blessing for rural communities. All is well when the flagship store is in place but its withdrawal is the death knell of rural communities and economies.

I am not sure what is the answer to this situation. However, it is an area of which I feel that the Competition Authority should be fully aware and it should be prepared to fight for the survival of small companies, which can still be the bedrock of rural economies. It is important that we do not lose sight of the special status of small shopkeepers and their particular place in the market. Real competition can take place only where there is an ever-increasing number of players in the market rather than the market being concentrated in the hands of a few high-profile players, many of whom in recent years had serious Fianna Fáil connections.

Consideration must be given to how predatory pricing, loss leading and the abuse of credit terms can be addressed. This is important. The ever-increasing demand for “hello” money is extremely damaging. Abusive practices have been in place and they impact adversely on suppliers, smaller competitors and consumers. We must ensure that wholesale discounts are passed on to the consumer, and that local shopping facilities are safeguarded for the benefit of the most marginalised in our society, who would be first to suffer from the loss of the small retailer. This is realistically the bottom line and the protection of both the small trader and the consumer must be ensured.

It is important that the Competition Authority remain as a strong and independent advocate of competition policy and law in Ireland. It needs to attract experienced high-calibre members to ensure that it also maintains its reputation internationally. This independence must not be challenged by the fact that a Minister is now in a position to directly appoint members to the authority, even if it is on a temporary basis.

There is a very strong feeling that Fianna Fáil Ministers cannot be trusted. This is regrettable and Fianna Fáil itself has led the general public to believe this. People are completely disillusioned. Fianna Fáil cannot be trusted in any area of the economy at present because of the amount of corruption that has been in the system in recent years and which continues. Most people in Irish society, including me, believe the only way to clear the air is to have a general election and the sooner, the better. If the Taoiseach is not prepared to go to the park and bring about a general election then the President should intervene and tell him the game is up and

in the name of God to get out before the country is completely ruined by this Fianna Fáil-led Government.

While supporting the Bill, Fine Gael will seek the approval of the Joint Oireachtas Committee on Enterprise, Trade and Employment for any new appointments in the interests of improving transparency and to promote the political independence of the authority, which has been denied by the intervention of the Minister in these temporary appointments. This is a good opportunity for the Government to review the operation of the Competition Authority. Unfortunately when the Bill is passed, anyone other than the Government will be kept out of the process. Government appointees, no matter how qualified, raise the spectre of Government control. While supporting the Bill, I have no doubt that my colleague sitting in front of me, Deputy Leo Varadkar, will table a number of amendments.

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I thank all Deputies who contributed to the debate on the Bill, particularly those who spoke to its content. I remind them that the Bill is very focused and aims to deal with a limited number of issues that need immediate attention. A number of very interesting points were made. I will respond to some of them and study and give serious consideration to others in the context of other legislation under preparation.

In referring Deputy Varadkar to the follow-up to recommendations made in the Competition Authority report, I stress that these are recommendations only. The Government gave a commitment to publish a whole-of-government response to the recommendations contained in the Competition Authority reports, as set out in the Framework for Sustainable Economic Renewal document which builds on Ireland’s smart economy. On 10 April, the Government issued a statement in which it noted the progress being made in this regard. I remind the Deputy of the contents of the statement. It noted that 40% of Competition Authority recommendations made between 2000 and 2009 have been implemented and a further 9% were being progressed. It is important to recall the important issues that have been addressed.

Deputy Leo Varadkar: What is the position of the other 51% of recommendations?

Deputy Batt O’Keeffe: As I stated, 40% of recommendations have been implemented, while a further 9% are being progressed.

Deputy Leo Varadkar: In that case, it appears 51% of them have been rejected or does it take nine years for the Government to take a decision?

Deputy Batt O’Keeffe: Other issues are being considered. The Deputy must understand that these are recommendations and not every recommendation emanating from an authority will be implemented.

Deputy Leo Varadkar: Does it take nine years for a Government decision?

Acting Chairman (Deputy Darragh O’Brien): Please allow the Minister to continue without interruption.

Deputy Batt O’Keeffe: To show the serious intent of the Government, we will give an outline of an overall response to the recommendations issued by the Competition Authority on a six monthly basis.

On the Towards 2016 commitment on certain classes of vulnerable workers, namely, voice-over actors, freelance journalists and session musicians, an issue raised by Deputies Varadkar,

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Penrose and English, this issue arose in respect of an exemption from competition law and is being considered in the context of developing the consumer and competition Bill which will be published later in the year.

Deputy Varadkar referred to Oireachtas scrutiny for temporary, whole-time members appointed under this legislation. The Bill does not foresee such scrutiny. To ensure persons appointed are suitable for the positions, appointees to these temporary positions must, in the opinion of the Minister, possess sufficient expertise in or experience of one or more of the following areas, namely, law, economics, public administration, consumer affairs or business generally.

On the level of fines, under the 2002 Act the courts may impose a fine in respect of hard core competition offences of up to €4 million or 10% of turnover. They may also impose a term of imprisonment of up to five years.

The vacancy from January 2009 was not filled in light of the announcement that the National Consumer Agency and Competition Authority were to be merged. The authority was statutorily properly constituted, even with the vacancy. An issue arose when the chairman resigned, at which point we appointed a temporary chairman.

Deputies Penrose and Connaughton raised issues regarding a code of conduct for the grocery goods sector. As Deputies will be aware, the renewed programme for Government includes a specific commitment to implement a code of practice for doing business in the grocery goods sector to develop a fair trading relationship between retailers and their suppliers. It also makes a commitment to review the progress of the code and, if necessary, introduce a mandatory code. My predecessor, the Tánaiste, Deputy Mary Coughlan, appointed Mr. David Byrne SC in late March to act as a facilitator in the development of a code. Regrettably, Mr. Byrne notified me last week that he was not in a position to continue to act as a facilitator. I am in the process of identifying a replacement appointment.

The forthcoming consumer and competition Bill will contain enabling provisions allowing for the establishment of a statutory code. I hope the process of establishing a voluntary code will enable it to be used as a basis for any statutory code. The Government is strongly committed to ensuring Ireland continues to have vibrant agri-food and retail sectors, particularly given the importance of these sectors to the national economy. The Government, therefore, considers it important that there is a balance in the relationship between the various players in the grocery goods sector. The introduction of a code of practice, as provided for in the programme for Government, is intended to achieve such a balance, taking into account the interests of all the stakeholders in the grocery goods sector, including those of consumers, and the need to ensure there is no impediment to passing on lower prices to consumers.

The review of the Competition Act 2002 involved an in-depth public consultation process which was undertaken in 2007 and 2008. Many submissions were received, including some which raised a wide range of complex, specific legal issues. These have been analysed and proposals for amendments will be included in the forthcoming Bill.

Deputy Penrose referred to demands for what is known as “hello money” from suppliers. This practice is prohibited under competition law. No prosecutions have occurred owing to the unwillingness of parties to give evidence in court in this matter.

The retail planning guidelines are being reviewed by the Minister for the Environment, Heritage and Local Government whose Department is engaging with the Competition Authority on the issue.

Again, I thank Deputies who contributed to this useful and informative debate. I look forward to constructive engagement on the details of the proposals on Committee Stage.

Question put and agreed to.

Competition (Amendment) Bill 2010: Referral to Select Committee

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I move:

That the Bill be referred to the Select Committee on Enterprise, Trade and Employment, in accordance with Standing Order 122(1) and paragraph 1(a)(i) of the Orders of Reference of that committee.

Question put and agreed to.

Nurses and Midwives Bill 2010: Order for Second Stage

Bill entitled an Act for the purpose of the enhancement of the protection of the public in its dealings with nurses and midwives and, for that purpose, to provide for a board to be known as *Bord Altranais agus Cnáimhseachais na hÉireann*, or in the English language, the Nursing and Midwifery Board of Ireland, to recognise midwifery as a separate profession, to provide for the registration, regulation and control of nurses and midwives, to enhance the high standards of professional education, training and competence of nurses and midwives, to investigate complaints against nurses and midwives and to increase the public accountability of the Board, to dissolve the National Council for the Professional Development of Nursing and Midwifery, to repeal the Nurses Act 1985 and to provide for related matters.

Minister for Health and Children (Deputy Mary Harney): I move: “That Second Stage be taken now.”

Question put and agreed to.

Nurses and Midwives Bill 2010: Second Stage.

Minister for Health and Children (Deputy Mary Harney): I move: “That the Bill be now read a Second Time.”

Nursing and midwifery are the cornerstones of our health service and Irish nurses and midwives have long enjoyed a fine reputation both at home and overseas. The provisions of the Bill before this House are designed to further enhance this reputation by supporting these professions and the dedicated individuals who work in them. While I acknowledge that this legislation proposes a wide range of changes, nurses and midwives have shown great willingness and ability to progress and change their roles to meet the changing needs of patients and clients. They command enormous respect from the public and are critical to our health service. I am confident they will embrace and support the changes proposed in this Bill.

The delivery of a modern health service is a complex activity. Since becoming Minister for Health and Children, I have emphasised the need to place the safety of the public high on the health agenda. This Bill is a key component in the construction of a system of governance and accountability for the health services which has the public interest and patient safety as the focal point.

The Nurses Act 1985 provides the current statutory framework for the regulation of the professions of nursing and midwifery. It needs to be revised to reflect the fact that the provision

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of health services both within Ireland and internationally has developed considerably since then. Nurses and midwives have been at the centre of these developments. Since the implementation of the Commission on Nursing report in 1998, we have seen enormous progress in the education and training of nurses and midwives both at graduate and undergraduate level and significant development in their role and career structures across specialist clinical areas. We have also seen an increased emphasis on the importance of the rights of patients and the accountability demanded of all of our health professionals.

The era of self-regulation provided for in the 1985 Act has passed and a new governance framework is needed to reflect this. We need a legislative basis to ensure that the regulatory body for nurses and midwives discharges its functions in an accountable manner which underpins the protection of the public in its dealings with nurses and midwives, by enhancing the high standards for professional education and training and introducing ongoing competency.

As Minister for Health and Children, I am committed to the introduction of new primary legislation for the regulation of health care professionals. The provisions of the Nurses and Midwives Bill 2010 are broadly in line with the provisions of the Medical Practitioners Act 2007 and the Health and Social Care Professionals Act 2005. These Acts and the Pharmacy Act 2007 are consistent with the commitment in the health strategy “Quality and Fairness — A Health System for You” to strengthen and expand provisions for the statutory registration of health professionals. The Bill also reflects recommendations contained in the report of the commission on nursing, delivered in 1998. Therefore, this Bill is a major component of a suite of legislation aimed at improving patient safety and ensuring the full confidence of the public in the governance of these professions.

There has been broad consultation on the Bill. I published the draft for public consultation and I was very encouraged by the fact that more than 200 individuals, organisations and representative groups made submissions on the proposals. The depth and breadth of the submissions reflected the interest and concerns of a wide range of stakeholders. Many elements of the Bill reflect the suggestions made and as a result, the legislation supports both the protection of the public and will also benefit nurses and midwives by providing them with a modern regulatory framework comparable to other health care professionals.

I would like to draw attention to the title of the legislation before the House, which is The Nurses and Midwives Bill 2010. This is in recognition of midwifery as a separate and distinct profession and it is indeed fortuitous that yesterday was International Midwives Day. I would like to acknowledge the work and support midwives have given to the women of Ireland. Midwifery had a long tradition of recognition as a distinct profession from nursing. However, midwifery was subsumed into nursing in the Nurses Act 1950 and from then on the title “nurse” included “midwife”. Midwives have sought the recognition of midwifery as a distinct profession for some time and the Bill recognises the views of the commission on nursing in 1998 in this regard. Midwifery as a separate profession also emerged as a theme in the public consultation undertaken by my Department.

It is important to note that child birth is regarded as a normal physiological event in a woman’s life. Midwives are educated and trained to work with women to provide the necessary support, care and advice during pregnancy and labour and to provide care for newborn infants. A direct-entry midwifery undergraduate programme began in September 2006. Individuals who successfully graduate from this programme will have a midwifery qualification and not a nursing qualification. To reflect the recognition of midwifery as a distinct profession, the name of the regulatory body will change to An Bord Altranais agus Cnaimhseachais na hÉireann, or the

Nursing and Midwifery Board of Ireland. In addition, I have provided for a statutory midwives committee to advise the board on matters pertaining to midwifery practice.

To ensure that all practising midwives have adequate clinical support, the legislation provides for the clinical supervision of midwives to enhance the support of midwifery practice. The legislation provides for the employer to be designated as a clinical supervising authority for midwives where these are employed by the Health Service Executive or a maternity service. In all other cases, the board will appoint a clinical supervising authority. The board may make rules on clinical supervising authorities that will include the requirements necessary of persons or bodies appointed as such and the need for all midwives to operate within a governance framework and to have adequate indemnity insurance. For the benefit of mothers and babies, I consider it essential that all midwives have this insurance to provide cover in the event of a negligence case. I acknowledge that insurance is not going to improve the protection and safety of mothers and babies. However, negligence cases involving obstetrics can result in substantial claims. If a midwife has no insurance, this could lead to a situation where negligence is proven but no payment can be made. This would add to the difficulties of families in these traumatic situations.

Part 2 of the Bill provides that the board will continue in being, but with a new name as outlined earlier. To underline that the focus of this legislation is the protection of the public, I have included this explicitly in the object of the board in section 8, which states the following.

The object of the board shall be the protection of the public in its dealings with nurses and midwives and the integrity of the practice of nursing and midwifery through the promotion of high standards of professional education, training and practice and professional conduct among nurses and midwives.

Section 9 sets out the functions of the board, including its obligation to perform its functions in the public interest. These functions place some significant additional obligations on the board and clearly demonstrate a major change from the operation of the existing board. I acknowledge that this will require a significant strengthening of the capacity of the organisation and that this represents a major increase in the demands that will be placed on the board. The specified functions include the registration of nurses and midwives and advanced nurse practitioner and advanced midwife practitioner posts. The functions also include approval of programmes of education, specification of standards of practice, fitness to practise functions, competency and advising both the public and me, as Minister.

The regulation of nurses and midwives must retain enough flexibility to ensure that the regulatory landscape adapts and develops with these professions. I have granted the board the power to make rules in section 13. The Bill sets out explicitly a range of matters where these rules can be made. These include the operation of committees, registration, the receiving of evidence by the preliminary proceedings committee and the fitness to practise committee, the setting of standards and criteria on nursing and midwifery education and training, clinical supervising authorities for midwives, requirements for indemnity insurance for midwives and any professional competence scheme.

To ensure greater transparency and accountability, any rule developed by the board will be subject to a period of public consultation and is subject to my approval as Minister for Health and Children. The use of public consultation in the development of rules is part of the Government's commitment to opening up the process of regulation and is in line with its "Better Regulation" guidelines. As rules on professional competence may have a financial aspect to

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them, the Minister for Finance will also have a role in the approval of rules for a competency scheme. When approved, rules will be laid before each House of the Oireachtas.

Section 14 provides for the board to prepare and publish guidelines on the manner in which the board proposes to perform its functions. It is very important that the public and the professions understand clearly the manner in which the board carries out its functions to meet its obligations under the Act. This will not only clarify what can be expected from the board, but will also provide a mechanism for accountability as to how the board meets its obligations in this regard.

In order to ensure that the board has the ability to perform its functions properly, it may be necessary for it to co-operate with other bodies. I have included a provision in section 15 that will allow the board to enter into such co-operation agreements for a range of specified purposes, including the sharing of information, in order to allow each body to perform its functions, to avoid duplication of activities, to allow for appropriate consultation and to allow for the conduct of joint studies. This should improve efficiency and effectiveness of the regulatory body and the other relevant agencies.

To ensure openness and public accountability, provisions have been included in Parts 3 and 5 in respect of the production and publication of statements of strategy, annual business plans, annual reports and other documents. The board's annual accounts will be audited by the Comptroller and Auditor General and the chief executive officer will be obliged to appear before the Committee of Public Accounts of the Oireachtas. The laying of such documents before the Oireachtas will give the public a chance to see how the regulatory body is fulfilling its statutory delegated functions.

The work of nurses and midwives impacts on the lives of all citizens. Nurses are involved in all aspects of our health service. There is a need to reflect different stakeholders in the membership of the board. The board will no longer have a nursing and midwifery majority and the members will be drawn from various areas of the health service and the public. Given the importance of education and training in ensuring high standards of nursing and midwifery education, I have also included representatives from the education sector.

Section 22 specifies that the board will have 23 members, 11 of whom will be nurses or midwives. This is a reduction from the 29 board members provided for in the Nurses Act 1985, 18 of whom were nurses. Specifically, the remaining 12 members include nominations by the Medical Council, the Health and Social Care Professionals Council, the Health and Information Quality Authority and the Health Service Executive. A member will be nominated from the voluntary sector and the Minister for Education and Science will nominate a member from a third level establishment. In addition, there will be five members of the board who are not nurses or midwives and who have such qualifications, expertise, interests or experience that will enable them to make a contribution to the performance of the board's functions.

It is important to ensure representation from the various areas of nursing and midwifery and that these nurses and midwives come from both management and clinical practice. Of the 11 board members who are nurses or midwives, eight will be elected by the professions themselves. There will be nurse representatives from general, children's, psychiatric, intellectual disability and public health nursing and a midwife.

Debate adjourned.

Ceisteanna — Questions**Priority Questions.**

School Curriculum

1. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills the number of secondary schools that have dropped a science subject in the 2009-10 academic year; and if she will make a statement on the matter. [18572/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): My Department's records indicate that 53 post-primary schools discontinued a science subject in the 2009-10 school year, while ten schools——

Deputy Brian Hayes: On a point of order, I understood the Tánaiste was due to take this question.

An Leas-Cheann Comhairle: I understand the Minister of State is taking the question.

Deputy Brian Hayes: This question relates to the Tánaiste's brief. With the greatest respect to the Minister of State——

An Leas-Cheann Comhairle: As the Deputy knows, under the doctrine of collective responsibility any Minister may respond.

Deputy Brian Hayes: Is this a no-show policy on the Tánaiste's first day or something?

Deputy Seán Haughey: The Tánaiste will be here presently.

Deputy Brian Hayes: Would the Minister of State start again please?

Deputy Seán Haughey: My Department's records indicate that 53 post-primary schools discontinued a science subject in the 2009-10 school year, while ten schools introduced a new science subject to their curriculum in the same year. It should be noted that changes by individual schools in the range of subjects they offer is a regular occurrence. The data for schools discontinuing a science subject in the 2007-08 school year, before the increase in the pupil teacher ratio, are largely the same as the numbers discontinuing science in 2009-10. It is important therefore to look at the issues around the drop in science from both a pupil demand perspective and with regard to the capacity of schools to offer science within their range of subjects. On the demand side, my Department is fully committed to strengthening the quality of science teaching and learning, promoting increased scientific literacy and encouraging more students to choose science subjects. An important element of the strategy for science technology and innovation is to increase the proportions of students studying the physical sciences in senior cycle.

I recognise that teacher allocations set the parameters with regard to the number of subjects on offer in schools. However, the deployment of teaching staff in the school, the range of subjects offered and ultimately the quality of teaching and learning are in the first instance a matter for the school management authorities. If schools have difficulties with providing individual subjects, for example through a retirement of a teacher in one of the subjects concerned,

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some short-term support is provided through the curricular concessions process to enable them to meet their curricular needs.

Some of the additional posts provided for in the renewed programme for Government are also being used for increasing subject choice in post-primary schools. This is being achieved in two ways. First, additional posts are being targeted at co-educational schools in single post-primary catchment areas to support wider subject choice. This approach recognises that such schools are under more pressure to provide a wider subject choice, including options in the physical sciences, than a single sex school. Second, additional posts for the coming school year are being allocated to post-primary schools that decide to work together with other local post-primary schools to increase subject choice in a town or area. This is aimed at encouraging co-operation between schools and ensuring the best use of whatever resources are available given current constraints. Furthermore, it can facilitate the introduction of a subject such as physics or chemistry in two or more schools through the recruitment of one teacher shared between them.

The issues around subject choice, including science, can be also considered further as part of the consultations with the education partners on the allocation of the remaining additional posts under the renewed programme for Government.

Deputy Brian Hayes: Now that the Tánaiste is in the House, I expect she will take the supplementary questions, because this is a matter for her rather than for her junior Minister.

An Leas-Cheann Comhairle: It is a matter for the Government to determine which Minister——

Deputy Brian Hayes: It is a matter for record that——

An Leas-Cheann Comhairle: I advise the Deputy that it is a matter for the Government to nominate any Member to respond to an Adjournment debate.

Deputy Brian Hayes: The Tánaiste is here now and I would be interested in hearing her reply to the question I will now pose.

On 24 July 2008, the Tánaiste stated, “I am not the Minister for Education, but we must incentivise maths and science. The science agenda and the skills agenda are uppermost in my mind.” In her previous position as Minister for Enterprise, Trade and Employment, she rightly highlighted the importance of science and the connection between science and the new economy. However, on the first day she is due to answer questions in this House she, through her Minister of State, has admitted that already this year some 53 schools have dropped a science subject. Based on her preliminary discussions with school bodies, are we likely to see additional schools drop science subjects in September? The Government has a fanciful policy on innovation, the smart economy etc. lauding the importance of science, but when it comes to it, there is a reduction in the provision of science subjects in our schools. Does she accept that?

Deputy Seán Haughey: The Government’s policy on the smart economy and science, technology and innovation is being implemented by all Departments. We have the discover science and engineering programme from Forfás and the strategy for science technology and innovation etc. Therefore, I am sure what the Tánaiste said then is relevant now in the Department of Education and Skills. As mentioned, the data with regard to the number of schools discontinuing a science subject in the 2007-08 school year, before the increase in the pupil teacher ratio, are largely the same as the numbers discontinuing science in 2009-10. We are committed to the

strategy for science, technology and innovation. I already mentioned that there are a number of reasons science is not being selected, but we are trying to address this. Virtually all schools teach science up to junior certificate level and science subjects are optional at leaving certificate level. Government policy is very clear in that regard.

Deputy Brian Hayes: The Minister of State is many things, but he is not a ventriloquist. He is defending the policy of the Government on the question of science in our schools, but has admitted to the House, using figures provided by the Department, that close to 10% of secondary schools in the country have dropped a science subject. Therefore, the ASTI is wrong when it states that more than one-third of schools in the country is considering dropping a science subject and the NAPD is wrong to suggest that one in five principals has had to drop a science subject this year. One of the key aspects of the smart economy was that summer schools in science and engineering would be expanded, with the emphasis on innovation and commercialisation. Has that happened?

Deputy Seán Haughey: I am aware of the recent ASTI survey, based on responses from 334 teachers of junior certificate science, which indicates that 14% of schools have dropped a leaving certificate science subject from the curriculum this year and which indicates the teachers' view that a further 20% of schools are likely to drop a science subject this year. The issues around subject choice, including science, can be further considered as part of the consultations with the education partners on the allocation of the remaining additional posts under the renewed programme for Government. The Department is very conscious of the issue and is committed to implementing the strategy for science, technology and innovation in all its aspects. This issue is a major priority for Government.

School Patronage

2. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills if she will establish, without prejudice, a national forum on patronage in primary schools, as suggested by the Catholic Archbishop of Dublin; if her attention has been drawn to the fact that the Catholic Church is the patron of 92% of all existing 3,175 ordinary primary schools in this State; when she will act upon her recent public comments and seek the input and views of all relevant stakeholders with a view to agreeing to the orderly restructuring of the existing pattern of patronage; and if she will make a statement on the matter. [18479/10]

4. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills if she will provide a list of the ten areas in which she is considering a possible hand-over of primary schools from the Catholic Church to the State; and if she will make a statement on the matter. [18574/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to answer Questions Nos. 2 and 4 together.

I agree that the issue of patronage and governance of our primary schools is important. In recent times the rapid pace of social and demographic change is reflected in a radically altered and more diverse society from which our school communities are drawn. Irish society will continue to change at pace in the years to come and our education system must therefore continue to adapt and change to reflect this.

Our system of patronage has demonstrated a capacity to facilitate change and evolution. Historically, plurality simply meant schools differentiated by denomination under denominational patronage. In recent decades, the patronage system proved itself able to support the

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establishment of schools by An Forás Patrúnachta and Educate Together. However, the majority of primary schools are still under Catholic patronage. While recognising the role that Catholic schools have played in welcoming children from diverse backgrounds and the continuing role for Catholic schools, we will need changes to the composition of schooling into the future to meet different needs. In addition significant issues are now emerging about the different definitions and types of diversity that might be recognised and how this can be accommodated while maximising effective use of existing and new infrastructure and education expenditure generally, particularly at a time of scarce resources.

As the Deputies are aware, consideration of many of the relevant issues is under way. My Department organised a major conference on primary school patronage in 2008. The new community national school model is piloting an approach to primary schooling involving multi-faith provision. A review of the procedures for the establishment of new primary schools is being undertaken by the Commission on School Accommodation. Among the issues being considered as part of the review is the issue of patronage including the criteria that must be met to decide on the patronage of a school. The commission is taking account of issues relating to diverse patronage models and the size of schools in its work. The commission has undertaken extensive consultation and involves a wide range of education partners in its membership.

It is already proving possible in developing areas to offer increased diversity as new schools need to be established. However, in areas where the population is not increasing to any great extent, it is more difficult to increase the diversity available.

Regarding such areas, the issue of the Catholic Church divesting itself of certain schools was originally explicitly raised by Archbishop Diarmuid Martin. In discussions on this matter, senior representatives of the Catholic Church and my Department agreed that it was essential to engage in planning for change. In order to advance the matter, my Department agreed that it would examine a number of initial locations to see what scope or options might exist for change of patronage in these cases. The particular focus was on identifying a sample number of areas of relatively stable demographics where the establishment of new schools was unlikely to emerge in the foreseeable future and where the provision is exclusively Catholic or where there is very limited diversity of provision at present. The aim is that these areas can then be used to trial the modalities by which the number of Catholic places and schools will be reduced and released for others.

The production of a potential list of locations by the Department will be, of course, only a first step. The decision on the identity of the particular Catholic school or schools that should close because of a surplus situation must ultimately rest with the patron and the Catholic community in the parish or parishes concerned. This means consultation within the parish or diocese, with the parent body of the schools and with the staff of the schools. Following any such identification by the Catholic community of where provision is to be divested I would envisage that the Department will put in place processes to consult with the local community generally, including prospective patrons, on the future patronage of identified schools. There also would be a range of implementation issues to be addressed.

Officials in my Department are currently carrying out an assessment of ten locations where changes to patronage may be warranted, given changed demographic profiles in recent decades. This assessment involved the initial identification of ten locations and detailed work on these. However, it may be necessary to re-identify some further areas if some of the initial ten locations appear not to be suitable. My Department has not yet completed this assessment. When the assessment is completed it is planned to establish a list of ten locations where such

change may be warranted. The aim is to complete the assessment within the next month with a view to providing the list to the Catholic authorities for consideration and making the list available publicly. I would envisage that if the proposed pilots are feasible there would be consultation with the education parties on the steps to implement a transfer of patronage.

I recognise there is a need to continue to seek the input and views of a wide cross-section of contemporary Ireland on the relevant issues. I have outlined the extent to which consultation has been undertaken and the need for further consultation at a local level. I prefer to advance consideration and trialling of the practical issues at this stage so that specific proposals can be developed and issues identified rather than a more general and theoretical discussion at this point. I am committed to further consultation with the education partners and with the wider public. The extent and nature of further consultation will be determined as the work under way is completed.

Deputy Ruairí Quinn: It did not take them long to house-train the Tánaiste. That is the most disappointing response I have heard from someone with the Tánaiste's experience and maturity. I would have thought that as a mother of relatively young children she would have a more open view. I take it the answer is that she is not going to establish a forum. Is that the correct interpretation of her reply?

Deputy Mary Coughlan: It is not my intention to establish a forum at this moment in time.

Deputy Ruairí Quinn: The Catholic Church does not do democracy. It does not consult with its community; it informs its community. There is no procedure to which one can refer where the Catholic members of a parish are invited to vote or express their opinions in any structured way. If there is I am not aware of it. How will this process work? Who wrote the reply for the Tánaiste because it does not match any reality of which I am aware?

Deputy Mary Coughlan: On the issue of patronage, as the Deputy knows diversity can be addressed much more quickly, particularly in areas where we have greater growth.

Deputy Ruairí Quinn: So the people who live in built-up areas do not have a choice.

Deputy Mary Coughlan: I am a great believer in a number of other things about which many people forget, which is that I would like to hear what the Members of this House have to say.

Deputy Brian Hayes: Let us have a debate.

Deputy Mary Coughlan: It would be very appropriate because we would have a diversity of views in this House on what should happen. Once the ten areas have been designated, I intend to meet the representatives of the Catholic Church. I believe the procedures must include not just patrons. As I have said, I believe in the representation of the Oireachtas Members.

Deputy Ruairí Quinn: As the question stated.

Deputy Mary Coughlan: I also believe that parents and the wider community——

Deputy Ruairí Quinn: That is my question.

Deputy Mary Coughlan: ——equally must be consulted.

Deputy Ruairí Quinn: Hence the forum.

Deputy Mary Coughlan: My issue with a forum is that we would have yet another forum, yet another two or three years of pontification and philosophy, following which we would revert to having no decisions. I certainly do not want to end up with no change and a lack of decision making.

Deputy Brian Hayes: The Tánaiste's reply is a step backwards by comparison with her predecessor, who showed more flexibility in his short tenure in his Department of Education and Science than she has in a month. She does not want to consult with anyone. Her Department stated in March that it had identified ten sites. Now the Tánaiste cannot tell me where those sites are or how the Department consulted with parents in those sites. She will not even give us the information on those sites. The way the Department is dealing with this issue is disgraceful. Will the Tánaiste agree to have a debate in this House next week on the issue? We have not had any debate on the issue in the past two and a half or three years. Would she consider a proposal I made in the course of my speech to our party conference a month ago whereby every parent would receive a survey from the Department asking what they want. The only group being totally ignored by the Tánaiste and her colleagues in Cabinet are parents. It should survey parents, find out what they want and publish the survey.

Deputy Mary Coughlan: The Catholic Church, through Archbishop Martin, approached my predecessor. He was not in a position to advise my predecessor as to where he felt areas could be divested. My Department was asked to identify those areas——

Deputy Brian Hayes: So where are they?

Deputy Mary Coughlan: ——on the basis of certain criteria. That work is almost completed and will be completed, as I indicated, by the end of the month.

Deputy Brian Hayes: Will the Tánaiste publish it?

Deputy Mary Coughlan: Yes, it will be published.

Deputy Brian Hayes: By the end of the month.

Deputy Mary Coughlan: It will then go back to the Catholic Church as it is the patron that will need to divest itself of its patronage. I do not have a problem with hearing what all Members of this House have to say. There is diversity within the Deputy's party because people come from different perspectives and different geographical areas. There are younger Members of this House and older Members of the House. I have no problem with a real discussion involving most of the Members of the House because we would like to hear what people have to say.

I have been in this job for one month. I am a parent. Many members here are parents. I believe in parental involvement and the voice of parents being heard and I will continue to do so as I have on every occasion in my 23 years in public service. I will hear what parents have to say because parents are entitled to have a view and a perspective on behalf of their children.

Deputy Brian Hayes: How will the Tánaiste find out what parents want? For the past two and a half years Deputy Quinn and I have suggested that a forum on the issue of patronage, control and ownership——

Deputy Ruairí Quinn: With all the stakeholders.

Deputy Brian Hayes: —is the way to go. That should be in public and not in secretive bilateral meetings between the Tánaiste and the Catholic Church or the Tánaiste and other parties behind closed doors; it should be out in public. Political parties should be represented there. As I have said before, if ever there were a necessity for a talking shop, it is on this issue. It will not be easy to arrive at a conclusion with which everyone is happy. How will the Tánaiste find out the views of parents if she refuses to accept my suggestion of an initial survey of every parent in the country organised by the Minister's Department? Is she equally refusing to accept the suggestion by myself and Deputy Quinn that a forum on patronage be established? How will she do this?

Deputy Mary Coughlan: There have been many forums set up on many occasions on many of these issues.

Deputy Ruairí Quinn: Never on this issue.

Deputy Mary Coughlan: Unfortunately they have taken a considerable amount of time. I do not want to talk about theory, I want to talk about how this can be practically achieved. It is much easier to achieve in certain areas, such as my part of the world where there has not been a huge change in population or demographics. In trying to provide diversity, we must respect everyone's views. There are clearly many parents who wish to have a different type of educational opportunity for their children. How to determine diversity is as difficult as how to proceed. It is on that basis that I want to continue the work in hand and will continue to re-evaluate it, reverting either to the committee or this House to hear what Members have to say.

Deputy Ruairí Quinn: In the Minister's second reply, she stated the Archbishop of Dublin is the biggest individual patron of schools in the country. Each bishop is a patron in his own right and is able to give a different response, which will reflect the diversity of the country. Dr. Diarmuid Martin said he felt he had too many schools for the Catholic community he serves and he came to the Department to suggest the best way forward to identify the schools that would no longer be under his patronage would be to establish an open forum. The archbishop believes in transparency but the Department, and the Minister, seem to be frightened of this.

I believe, and the Labour Party believes, in parental choice. The reality in Dublin South-East, however, which has 27 schools is that there is a waiting list of 500 children, who have been denied their first choice of school and their parents must now send their child, if they are lucky, to another school in the area. The Minister is failing to address the second aspect of parental choice. The problem is not in the growing areas, it is in existing built up areas.

Deputy Mary Coughlan: In the briefings I have received on discussions with the previous Minister, although the archbishop was anxious to make progress, with the reality of changes in dioceses and supports in the Catholic church and numbers, the church will not be in a position to continue. In those briefings, the archbishop spoke about divesting and we are anxious to pursue that, we are working on methods to achieve it.

I am aware of what is happening in Deputy Quinn's constituency but in some areas divestiture can take place so others are afforded the opportunity, through consultation with parents, to establish patronage of schools. It is my view that should happen.

Deputy Ruairí Quinn: Why is the Minister so frightened of a forum?

Deputy Mary Coughlan: I am not frightened of anything, I want to see how change can be achieved.

Deputy Brian Hayes: It could be done in tandem.

Deputy Mary Coughlan: The process will be very open.

Industrial Relations

3. **Deputy Brian Hayes** asked the Tánaiste and Minister for Education and Skills if she will make a statement on her recent attendance at the INTO and TUI annual conferences.
[18573/10]

Deputy Mary Coughlan: I believe that a high level of mathematical achievement is vital for Ireland and that we need to improve attainment levels in maths.

Deputy Brian Hayes: That is the wrong answer.

Deputy Mary Coughlan: No, this is about mathematics.

An Leas-Cheann Comhairle: Ceist a trí.

Deputy Mary Coughlan: Sorry, the Deputy is right. I should be telling him about the great time I had at the INTO conference.

An Leas-Cheann Comhairle: That is the question.

Deputy Mary Coughlan: Sorry, question No. 8 has been put in front of me. I could nearly tell the House of the top of my head about the great time I had at the conferences.

I used the invitation to speak at the Easter conferences of INTO and TUI as an opportunity to set the financial and economic context governing the provision of resources to schools and colleges as well as looking at a number of challenges and opportunities that lie ahead. I covered a number of common issues that were relevant to both unions and issues of specific relevance in the sectors in which each union has members.

I acknowledged that some of the decisions the Government had to make created anxiety and difficulties for their members and that teachers, through their frontline interaction with the community in which they work, gain a very real understanding of the pressure that parents and families are experiencing at this time and the impact of unemployment.

I explained that in Government we are undertaking a hugely challenging task in righting Ireland's course to ultimately provide jobs, opportunity and a future for the pupils and students in their classrooms. In the process, however, we have had to take some difficult and unpopular decisions to deal with the fall in tax revenue and to stabilise the public finances. In that context I explained the need to make a further €3 billion of adjustments in the next budget including a further reduction in current expenditure on public services. Despite all the hard choices of the past year we would still have to go further in laying the path to recovery and this means there will be less money available to public services in the medium term. The challenge in delivering public services is how to achieve more with less and deliver a quality and responsive education system to meet our economic and social objectives in these difficult times.

I acknowledged at both conferences the difficult period we are going through in terms of industrial relations and that the measures taken by the Government had impacted on the living standards of their members and other public servants. I stated that I wished it were otherwise and that no Government would want to take the measures we have had to take if they could be avoided.

I welcomed the agreement framed following discussions under the auspices of the LRC and made clear the Government's view that it represented a reasonable basis to move forward and accepted that the unions must conduct and conclude their own internal processes on the agreement.

Deputy Brian Hayes: Why was it the case that her Department took four full weeks to clarify key questions the teaching unions had on aspects of the Croke Park deal, particularly in respect of teacher holidays and the length of the school day? When clarification was sought a month ago, why did she not choose to directly address teachers about their concerns at the two teacher conferences she attended? Given that many teachers are currently voting on the Croke Park deal in the various ballots now taking place, can she confirm that it was only yesterday that her Department finally gave the written clarification the unions sought?

Deputy Mary Coughlan: During those conferences it was not appropriate to persuade the members of the union to vote one way or the other. I put forward the case that, in my view, what was an option arising from Croke Park was the issue which, without a doubt, was accepted by the Government, negotiated between both sides under the auspices of the LRC and that my view at that time was that it was the best option available from the Government but I asked each individual to consider it themselves. If I were to dictate to members of any union what should happen, it would be completely inappropriate during a time of consultation and thought processes.

I agreed to clarification because I wanted to ensure a number of things. If I was to give clarity in one way or another, my grave concern was that I would be seen to try to influence a particular union or members of a union when those people wished to have their own evaluation of what was happening. At present, voting is taking place for a number of unions and clarity was sought. I indicated to a number of teachers who had concerns that those concerns were unfounded but following discussions in the Department, my representative at those discussions and the leaders of the unions asked for a letter to clarify the situation. The way in which it has been worded gives clarity about the time teachers are expected within tuition.

Deputy Brian Hayes: Concerning management of an issue, is this not a terrible way to do business? The teachers did not want to be persuaded by the Tánaiste or anybody else. They wanted facts. I attended those conferences as did Deputy Quinn. All the questions teachers raised with me in the course of discussions were simple and the Tánaiste could have clarified matters in the address she was asked to make at two of the teachers' conferences. They did not want her or anybody else to persuade them but simply wanted facts.

The Tánaiste has now provided the facts, at one minute to midnight, as it were, when the teachers are voting on this deal. Is this not an extraordinary act of incompetence on her part and that of her Department? She provided the information that was sought a month after the first request for it and at a time when the ballot is taking place.

Deputy Mary Coughlan: I was not negotiating. People must agree the format first and then there is negotiation. I was not going to be in a position where I would stand up at a forum of an INTO or TUI conference and negotiate with the body of the house. That is not what I was doing.

Deputy Brian Hayes: The Tánaiste is their employer.

Deputy Mary Coughlan: Teachers spoke about their concerns and about whether the contract would impact on the number of days of tuition expected by the State. I gave clarification that it would not. That is the situation.

Deputy Brian Hayes: I have one final question.

An Leas-Cheann Comhairle: The Deputy will be very brief.

Deputy Mary Coughlan: As the Deputy knows, what was written in the agreement referred to the hour that had to be worked by the respective teachers.

Deputy Brian Hayes: I have one other question. In the course of her speeches to both the INTO and TUI conferences, the Tánaiste alluded to further cutbacks in the education sector, to come possibly next year. Can she give further information to the House at this stage, given there will be more people in our education system next September than at any time in the past 100 years?

An Leas-Cheann Comhairle: That is a separate question, unless the Tánaiste wishes to say something on it, briefly.

Deputy Mary Coughlan: As the Deputy knows, we had a discussion yesterday at the joint committee meeting. We are not in a position to discuss what reductions will take place in the overall budget because we are not yet at that stage.

Question No. 4 answered with Question No. 2.

Schools Building Projects

5. **Deputy Ulick Burke** asked the Tánaiste and Minister for Education and Skills when she will allow a school (details supplied) in County Galway to go to construction in view of the fact that it has been waiting for ten years, without progress, to replace appalling conditions such as over crowding and lack of facilities; and if she will make a statement on the matter.

[18575/10]

Deputy Mary Coughlan: I can confirm that the school to which the Deputy refers has applied to my Department for major capital funding.

All applications for large scale capital funding are assessed against published prioritisation criteria which were introduced in 2004 following consultation with the education partners. Under the criteria, each project is assigned a band rating which reflects the type of works required and the urgency attaching to them. There are four band ratings, with band 1 being the highest and band 4 the lowest. Projects are progressed in accordance with the band rating assigned to them and the availability of funding. The application from this school has been assessed in accordance with the criteria and assigned a band 1.1 rating.

In 2005, the school was selected as one which was suitable for delivery of its building project under the permanent accommodation scheme 2005 and the school authority was offered funding of €300,000 to build an extension. The school authority accepted this offer and proceeded with the planning of this project while, at the same time, appealing the amount allocated to the project under the scheme.

Subsequently, the school authority notified the Department that it had decided to withdraw from the scheme and requested that they be progressed to delivery by the traditional method. In January 2007, the school was notified that the long-term projected staffing would comprise

a principal plus eight assistant mainstream class teachers. As the existing school site could not accommodate a new eight-classroom school, the patron offered adjacent parish land to accommodate the provision of a new eight-classroom school building.

The progression of all large scale building projects, including this project, from initial design stage through to construction will be considered in the context of my Department's multi-annual school building and modernisation programme. The Department is committed to providing suitable high quality accommodation for St. Catherine's national school. However, in light of current tight economic circumstances, and with competing demands on the capital budget, it is not possible to give an indicative timeframe for the progression of the project at this time. I have already arranged to meet local Oireachtas Members, including the Deputy, to discuss this project.

Deputy Ulick Burke: If ever we wanted an example of a classic waste of money within the Department, here it is. At present the school has seven classrooms, four of which are prefabricated buildings. The other three are 60 years old, from a different age, architecturally speaking, and are too small. The cost to the school of these, on a monthly basis, is €1,728 or more than €20,000 per year. Local people are waiting since 1998 for this school. It is probable that €250,000 would probably have built it in the intervening period.

Because the school is rated at band 1.1 I ask the Tánaiste to grant the money and allow the building to progress. More than €30,000 has been spent on architectural fees, in addition to planning and other fees. The patron, Dr. Kirby, has made a site available. For reasons of health and safety associated with overcrowding and because the facilities are unbelievable I ask the Tánaiste to give sanction approval to this school as a matter of urgency.

Deputy Mary Coughlan: It was obvious at the time, in 2005, that my predecessor found the school needed investment. Unfortunately, for one reason or another, it did not work out in the devolved scheme in 2005. As the Deputy knows, the situation now is that there has been a huge reduction in the amount of capital available to do this type of work.

I would like an opportunity to meet with the Deputy and his colleagues to see if there is a way in which we progress this project.

An Leas-Cheann Comhairle: A very brief supplementary from Deputy Burke.

Deputy Ulick Burke: No time was ever as suitable or appropriate for this project to go ahead because of the current reducing costs, the new design available and the speed at which this much needed school could be provided. Again, I ask the Tánaiste to reconsider this, on the basis that everything is suitable. It was the Department, in consultation with the OPW architect, which was responsible for a great deal of the delay. The rejection of the €300,000 under the devolved scheme was not a decision taken lightly by the people. It was because of the inadequacy of the space being provided.

There are currently five teachers, three special resource teachers and two special needs assistants in the school. Surely to God, with 117 students it is overcrowded and health and safety considerations are an issue.

The Tánaiste: I do not take from the need of the school and I beg the Deputy to take that as a response. I appreciate that issues arise where people decide, for one reason or another, that something should not happen. In my view, the devolved scheme is a very good one. Obviously, there were reasons why the board could not progress on it.

[The Tánaiste.]

I would like an opportunity to discuss with the Deputy and his colleagues whether there is a way forward, given that the previous Minister had made capital allocation on a number of his projects before I went into this Department. That said, I appreciate the genuine views of the Deputy and look forward to meeting him next week.

Other Questions

Multi-Denominational Schools

6. **Deputy Joan Burton** asked the Tánaiste and Minister for Education and Skills if she will reconsider proceeding with three new community national schools; if her attention has been drawn to the fact that concerns have been raised by the members of the religious advisory group supervising the teaching of religion in these pilot schools; and if she will make a statement on the matter. [18299/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Following a detailed analysis of projected demographic growth over the coming years and consultation with patron bodies, the former Minister for Education and Science, Deputy Batt O’Keeffe, approved seven new primary schools to open in September in rapidly developing areas. These include three new community national schools in locations in Balbriggan, County Dublin, Navan, County Meath and Naas, County Kildare. The addition of further schools to the community national school model already being piloted in two schools in Dublin 15 will enhance the capacity to make informed decisions on the further roll-out of this new model of patronage in other locations in the future.

The model is proceeding on the basis of clearly stated principles in respect of the availability of religious education during the school day, in conformity with the wishes of parents. The schools welcome and respect all faiths and none and seek to provide for religious education in the main faiths represented within them. This commitment is an important distinguishing feature of the model. The schools also seek to cater for parents who do not wish their children to receive religious education in any one particular faith and they operate through an ethos of inclusiveness and respect for all beliefs, both religious and non-religious.

A multi-belief religious education programme in line with these principles is being developed on an action research basis by the current patron-designate, County Dublin VEC, under the working title, Goodness Me — Goodness You. Developing the programme through action research allows faith communities, teachers, parents and others involved to share in addressing the challenges involved and this process is being supported, in an advisory capacity, by a reference group chaired by County Dublin VEC. The group includes representatives of the main churches and faith or belief groups as well as experts in curriculum development and the teaching of religion. It also includes representatives of non-theist and polytheist perspectives, such as the Humanist Association and the Buddhist community to ensure the programme also reflects the wishes of parents who do not wish their children to participate in faith specific religious education. The group is a forum for the discussion of the many issues that arise as the programme is being developed but it does not have a role in the supervision of religious education in the community national schools.

It is important to say that feedback to date from those involved in the programme on the ground has been very positive. It has been welcomed in particular by parents of children in the schools who have direct experience of the lessons and materials being delivered.

Deputy Ruairí Quinn: I thank the Minister for her reply. Is she aware that the group she mentioned has referred to her Department a comprehensive letter setting out a series of questions on the constitutionality and legality of faith formation in a State school within school hours and a number of related queries? I understand the letter was sent this time last year. The group was subsequently informed that the matter had been referred to the Attorney General for advice by representatives in the Department. Does the Minister's briefing note confirm this as accurate and is she in a position to say whether the advice has been received from the Attorney General? The work of the group cannot proceed unless these questions are answered.

Deputy Mary Coughlan: I am not aware of a letter but I am aware of a consultation and ongoing work. The *prima facie* of much of this issue has been in establishing the diversity of needs and wishes of the parents that in certain circumstances, those with particular faiths wish their children to be taught within school hours as opposed to outside them.

The Deputy asked me to pursue another issue, which I will, in the context of the statutory basis for these schools. I do not have a copy of a letter sent from the advisory group. I am advised that it is progressing the development of the programme which I alluded to, Goodness Me — Goodness You, with a view to providing religious education or faith formation within the schools.

Deputy Ruairí Quinn: I accept what the Minister is saying. I will undertake to make available to her the correspondence, and if I do so the Minister might be in a position to respond directly to me.

Deputy Mary Coughlan: If matters are referred to the Attorney General, his advice is acted upon. In finally bringing the patronage Bill to the House, my assumption is that the issues to be raised will be clarified. I will seek further clarification and I will speak to the Deputy privately if necessary.

Deputy Aengus Ó Snodaigh: I have a question on the drawing up of the faith formation programme in the schools. Is it odd that this is being done by a group separate to the curriculum development unit or the Department? Why was that decision taken?

Deputy Mary Coughlan: It is not. The National Council for Curriculum and Assessment, NCCA, has advised that faith formation is not a curricular issue. These schools were piloted, with their progress evaluated and what I have heard so far does not concur with what was alluded in a "Prime Time" programme as the majority of the parents are very happy with the work and progress of the schools. I have been advised that now we are not establishing a curriculum on faith formation as it is not within the remit of the NCCA.

Deputy Ruairí Quinn: I am concerned about the quality of the briefing material provided to the Minister. It is not within her remit to be directly informed by our own actions; I would not impose that on anybody. If the Minister has had the chance to read the briefing material, does it refer to correspondence from the NCCA to the reference group, in which it advised that faith formation inside school hours for a multiplicity of different belief systems, with a single

[Deputy Ruairí Quinn.]

principal teacher in the classroom, is not the way to go? Is there any reference to that advice in the briefing material?

Deputy Mary Coughlan: The question is not about the advice given to me in the context of the research work. The issue regards supervision of the teaching of religion. As I indicated, they are not involved in the supervision of the teaching of religion in these pilot schools. It concerns supervision.

Deputy Ruairí Quinn: No.

Deputy Mary Coughlan: That is the question I was asked.

Deputy Ruairí Quinn: It was not.

An Leas-Cheann Comhairle: We must move on.

Deputy Mary Coughlan: The question concerns the supervision of teaching of religion in these pilot schools.

An Leas-Cheann Comhairle: I am sure bilateral discussions between the Minister and the Deputy will elucidate an answer for the Deputy.

School Utility Services

7. **Deputy Catherine Byrne** asked the Tánaiste and Minister for Education and Skills the action she has taken to address the fact that schools are now treated as businesses for the purpose of paying for gas; if her attention has been drawn to the fact that the pricing structure is unfair for schools with limited funds; and if she will make a statement on the matter. [18216/10]

Deputy Seán Haughey: Schools, like all other users, are required to pay for a range of utilities such as electricity, water and telecoms, and gas is but one of these. It is important the pricing structures for any of the utilities as they apply to schools should be determined on a transparent and fair basis.

Responsibility for the regulation of the natural gas market is a matter for the Commission for Energy Regulation, which is an independent statutory body. My Department's understanding is that under the regulated tariff structure for Bord Gáis Energy, the level of each customer's consumption of gas determines which sector they are in with regard to tariffs. This applies regardless of whether the consuming premises is a home, school, shop or industrial premises. It is therefore not true to say that schools are regarded as businesses for the purpose of paying for gas. Since categorisation is based on consumption levels and not governed by the type of business or activity concerned it may be the case that individual schools are on a tariff that also applies to industrial or commercial customers with the same level of usage.

It is also important that schools look closely at their level of gas consumption as a means of lowering their costs. In 2009, in order to improve energy efficiency in existing schools, my Department introduced a new €20 million scheme to improve roof and cavity wall insulation levels in school buildings across the country. The devolved energy efficiency scheme, which was implemented with the help of Sustainable Energy Ireland, allowed schools to apply for funding on a once-off basis to upgrade the fabric insulation in attics and the external cavity walls of their buildings.

My Department has also organised discussions with school management representatives recently with a view to a more collaborative approach to the procurement of goods and services within the school and VEC sectors. This meeting included representatives from the National Procurement Service who explained the potential for the unit to help schools achieve savings. It is intended that the initial focus will be on the procurement of energy supplies.

The capitation grant is the main funding mechanism for schools to enable them meet their day to day running costs including for utilities. The Deputy will be aware that notwithstanding the difficult economic climate the renewed programme for Government has made specific provision for the maintenance of school capitation levels at current rates.

Deputy Brian Hayes: We all accept that money is tight and it is a very difficult time for the country and schools. They must make do with the money given to them by the Department of Education and Skills. A typical school with gas as its main source of energy may spend approximately €10,000 per year and of that half goes towards site charges, VAT and other charges over which the school has no control. It is a business tariff because once the school goes over a certain volume of gas usage, it is automatically on the business tariff.

I have spoken with representatives of schools up and down the country who have asked the Department of Education and Skills to come to some arrangement with the regulator and the Minister of State's colleague, the Minister for Communications, Energy and Natural Resources, to bring about a deal for schools. They are in a unique position; a school might not be open for 100 days a year but it will be charged by the gas companies nonetheless. A fairer deal should be negotiable for schools that would cut down on gas bills and allow them to use their money in other ways.

Deputy Seán Haughey: The Deputy appreciates that these are matters for the Commission for Energy Regulation.

Deputy Brian Hayes: Who will speak up for the schools?

Deputy Seán Haughey: I reiterate that the tariffs are based on consumption.

Deputy Brian Hayes: I know that.

Deputy Seán Haughey: The Department has gone to the energy regulator to raise these issues and it will continue to pursue them with the regulator. We are introducing a number of initiatives to reduce the level of gas consumption in schools and keep costs down in general.

Deputy Ruairí Quinn: I ask the Minister of State and the Minister to confirm that yesterday, the Tánaiste and Minister for Education and Skills told us the HEA and a group of colleges within the authority had come together to negotiate with an energy supplier, of gas in this case. Will the Minister of State offer an opinion? If schools under a particular patronage were to join together, for example, the 92% of the 3,000 or so schools, and collectively approach and negotiate a deal with a gas supplier, would this not be something the likes of which the Tánaiste lauded yesterday morning in committee room 3?

Deputy Seán Haughey: The Department, the Tánaiste, who is sitting beside me, and I would be in agreement with the thrust of the Deputy's points. We are trying to encourage a more collaborative approach to the procurement of goods and services within the school and VEC sectors. The Department would encourage schools to come together in terms of procurement and the issues raised by the Deputy. We will continue to pursue that.

Deputy Ruairí Quinn: On foot of the Minister of State's response, will he write to all of the primary school patrons and bring their attention to this discussion?

Deputy Seán Haughey: We will look into it and determine what is the best way to encourage schools to take up this option.

Deputy Brian Hayes: This matter was first brought to my attention by the Catholic Primary School Management Association, CPSMA, which had the matter brought to its attention by a large number of its schools. I have spoken with some gas companies, which claimed that they have no control over this area because the regulator sets the tariff and pricing structure. This is a matter for the regulator in consultation with the Ministers for Communications, Energy and Natural Resources and Education and Skills.

According to the Minister of State, he met the regulator. When was the meeting? Will there be a follow-up meeting? As Deputy Quinn suggested, can we try to procure gas and other energy sources on the basis of a number of schools joining together? This is the way forward. Otherwise, the waste will continue.

Deputy Seán Haughey: The meeting occurred during my predecessor's term of office, but I can get the Deputy the date. The regulator is independent and the Department is pursuing these issues with him.

Deputy Ruairí Quinn: He is not unapproachable.

Deputy Mary Coughlan: We have pursued it with him.

Deputy Seán Haughey: Yes. We are encouraging the approach raised by the Deputies and we will pursue the matter further.

Deputy Ruairí Quinn: The Minister of State might send correspondence as encouragement.

Deputy Mary Coughlan: As the Deputy knows, the regulator is familiar with my views in my previous incarnation. I will continue to be as vociferous.

Deputy Ruairí Quinn: We will await the results.

Deputy Mary Coughlan: I have met a number of Irish companies that are in a position to facilitate this type of procurement policy. It is an appropriate way to proceed.

School Curriculum

8. **Deputy Michael D. Higgins** asked the Tánaiste and Minister for Education and Skills the way she will introduce bonus points for mathematics in the leaving certificate in view of the lack of consensus among the academic councils of the seven universities in the State as to whether this should be done; and if she will make a statement on the matter. [18284/10]

23. **Deputy James Reilly** asked the Tánaiste and Minister for Education and Skills if a decision will be made on the introduction of bonus points in respect of higher level mathematics in time of those students entering fifth year this autumn and sitting the leaving certificate in 2012 to make an informed subject choice before they commence fifth year as recommended in the innovation task force report; and if she will make a statement on the matter. [18191/10]

Deputy Mary Coughlan: I propose to take Questions Nos. 8 and 23 together.

A high level of mathematical achievement is vital for Ireland. We need to improve attainment levels in maths and encourage more students to take higher level maths. A major programme of reform in mathematics under Project Maths is under way in 24 schools. The overall aim is to teach mathematics in a way that promotes real understanding, where students can appreciate the relevance of what they are learning, its application to everyday life and how it can be used to solve problems. While Project Maths is designed to promote more positive attitudes and higher attainment in mathematics in the longer term, there is a need for a more immediate incentive that will successfully encourage more students to take higher level mathematics.

I am aware that students weigh up the time and effort versus the reward associated with taking honours maths in the context of the CAO points system. This is why I indicated that we could send a clear signal to our second level student population with the introduction of CAO bonus points for achievement in leaving certificate mathematics at higher level.

Legally, the criteria for admission to higher education institutions are matters for decision by the institutions themselves. The academic councils of these institutions determine the admission arrangements for students. I have written to the president of the Irish Universities Association, the chairman of the Institutes of Technology of Ireland and the president of the Dublin Institute of Technology asking them to give early and favourable consideration to the matter in the context of a suitably devised bonus points system that will successfully encourage more students to sit higher level maths in the leaving certificate. I look forward to their response in the matter.

I have no plans to award bonus points through the leaving certificate examination. The remit of the State Examinations Commission is to operate certificate examinations that assess and certify attainment in accordance with the learning objectives set out in the syllabus devised by the National Council for Curriculum and Assessment, NCCA, and the various subjects. Marks awarded are all based on published marking schemes and candidates can review their scripts. The awarded bonus points for maths unrelated to achievement would mark a departure from the long-standing practice to treat all subjects individually based on the published marking scheme with no attempt to assess weightings between subjects. Bonus points through this route would call into question the integrity of the examination system.

Deputy Ruairí Quinn: I am fascinated by the reply. Why did the Tánaiste raise this here if she cannot do it? The common understanding, certainly mine, was to the effect that, if someone got 55 points in honours maths, there would be a bonus of 50% or 100%. The person would have 110 points as far as the CAO was concerned. Is the Tánaiste saying this is not possible or was it not what she meant when she made her comment, which was welcomed by most of us?

Deputy Mary Coughlan: There are a number of issues. I firmly believe we should give young people an incentive to participate in honours mathematics.

Deputy Ruairí Quinn: And points are an incentive they understand.

Deputy Mary Coughlan: They are important. However, I do not want a situation in which someone who sat a maths exam and got a B1 would move up a grade as a consequence of bonuses. It would remove the integrity of the exam.

Deputy Ruairí Quinn: Every maths student would move up.

Deputy Mary Coughlan: It would not mean that the child had achieved the mark. It is a matter for the universities. I have been explicit in my opinion that I wish to see bonus points

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for honours mathematics. It is the first recommendation in the report of the innovation task force. I have heard no dissenting voice in the House in this regard. I have explicitly asked the universities to take into consideration the recommendations of the task force and Members' opinions.

An Leas-Cheann Comhairle: I want to allow a number of Deputies to speak.

Deputy Ruairí Quinn: The Tánaiste was hardly a wet week in her current job and she had plenty of ministerial experience when she endorsed a recommendation by the innovation committee that was supported by myself and many others. Surely she knew what she was saying when she said it. Since then, has her Department told her that she cannot do it in a particular way, but that there is another way to do the same thing? Are we down to the point at which we must write to seven universities to get their opinions?

Deputy Mary Coughlan: The heads of the universities are acutely aware of my opinions and those of the Government. They are also aware of the task force's recommendations. Of significant importance is that, in trying to achieve what we want and what we have been told by industry, we must have a greater acumen in mathematics and incentivise those who wish to take honours mathematics. By their nature, young people will see how best to get points. To encourage them, there should be bonus points for honours mathematics. Consideration must be given to this issue. For certain subject matters, the University of Limerick, for example, awards additional points for honour mathematics in its entry requirements. That is the independence of the university sector. I hope it will take into consideration the expressed views of all Deputies and the Government when addressing this matter. I wrote to the universities in the past ten days and am awaiting further discussions with them.

Deputy Brian Hayes: With the greatest degree of respect to the Tánaiste, she is wrong.

Deputy Mary Coughlan: I am not.

Deputy Brian Hayes: This is a policy issue for the Government. Her predecessor opposed the argument for bonus maths points. The clear spin put about by the Tánaiste in one of her addresses to the teacher conferences was that she was in favour of bonus points. Either we have a policy or we do not. If we do, the universities will implement it. As I have suggested previously, one solution could be to apply bonus points for maths if a student goes on to do a maths or science course in any higher education institution. This is a simple CAO requirement that the Tánaiste, on a policy level, could implement were she so minded.

The proposal by the innovation task force is that bonus points should be introduced next September. In other words, it would be implemented in respect of students taking their leaving certificate exams in 2012. Will this occur, yes or no?

Deputy Mary Coughlan: The Cabinet has discussed economic renewal. As Tánaiste and Minister for Enterprise, Trade and Employment at the time, I expressed the view that we need to incentivise mathematics and that the best way to do so was through the awarding of bonus points.

Deputy Brian Hayes: The then Minister for Education and Science disagreed with the Tánaiste.

Deputy Mary Coughlan: He may have done so. However, the position now is that I, as Tánaiste and Minister for Education and Skills, am of the view that we should incentivise mathematics. It is my intention to pursue this matter vigorously.

Deputy Brian Hayes: Will it be done by 2012?

Deputy Mary Coughlan: I had only been the Department of Education and Skills for two or three days when I wrote to the heads of the relevant universities and institutes of technology in order to express my views. As a result, are now acutely aware of the nature of those views.

Deputy Brian Hayes: Will bonus point for mathematics be in place by 2012?

Deputy Mary Coughlan: It is my intention to implement this as a matter of urgency in order that young people will have time in which to make their decisions.

Deputy Brian Hayes: Is that a “Yes”?

Institutes of Technology

9. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Education and Skills the reason for the delay in progressing proposals in respect of the Grangegorman DIT project, Dublin.. [18314/10]

Deputy Seán Haughey: The proposals contained in the strategic plan for the Grangegorman site involve major capital expenditure which requires careful and detailed assessment by my Department and the other Departments involved in the project. This assessment is nearing completion. When it is completed, it is intended to bring the proposals contained in the plan to Government for consideration.

The Grangegorman Development Agency was established in May 2006. Since its establishment, the agency has worked on the preparation of a strategic plan and budget for the proposed development of the Grangegorman site. The agency completed the drafting of the strategic plan and budget in October 2008 and forwarded it to my Department for approval as provided in section 12(h) of the relevant Act. Copies of the plan and budget were also forwarded to the Minister for Health and Children for her consideration. The Grangegorman Development Agency has provided my Department with a clear indication of the overall costs for the development of the site. This has allowed the Department the opportunity to consider fully the costs involved in utilising the majority of the Grangegorman campus to provide for needs of the Dublin Institute of Technology.

Following receipt of the strategic plan, Department officials, in consultation with the Higher Education Authority, commenced an assessment of the proposals. The Department also sought the advice of the National Development Finance Agency on the relevant funding portions of the plan. In March 2009 the agency submitted a revised master plan and budget. The revised plan takes account of the reduced prices that have materialised in the construction sector, as well as revising the estimated value of the DIT's property portfolio to reflect current market trends. The revised plan proposes to deliver the project in phases. The National Development Finance Agency has also been consulted on the revised funding plan. Given the scale of the proposals and in light of the current situation with regard to the public finances, careful consideration will be needed.

While the strategic plan and budget are being considered by the Department, work on the preparation of the strategic development zone planning scheme has been progressed by the

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agency. The Department of Health and Children and the Health Service Executive are also moving ahead with developing facilities on the site and recently announced that construction will commence this year for the new mental health replacement facilities for the residents and staff of St. Brendan's Hospital in Grangegorman.

Deputy Aengus Ó Snodaigh: Is the Minister of State aware that to date over €14 million has already been spent on this project? Is he also aware that it was recommended in the McCarthy report that the proposals relating to this project be dropped entirely? Is it intended to proceed with the DIT campus on the site at Grangegorman? The Minister of State referred to a number of dates. The strategic plan was brought forward over 18 months ago, while the reassessment was carried out over a year ago. However, it is not so long since we were informed that the new campus would be opened in 2010. That is not going to happen now.

Is it intended to proceed with the proposals for the Grangegorman area in full? The Minister of State indicated that they would proceed on a phased basis. What is happening in respect of this project will have implications in respect of other proposals. Have discussions taken place between the Grangegorman Development Agency, departmental officials and those who are planning metro north? Is it intended to shelve the plans relating to metro north?

Deputy Seán Haughey: The assessment being carried out by the Department is nearing completion. When it is complete, it is intended to bring the proposals that will emerge to Government for consideration. The Tánaiste intends to bring this matter to the Government in the near future. I appreciate the Deputy's interest in this matter. As a Deputy who also represents a Dublin constituency, I have visited the site in question. I am aware that the Tánaiste intends to visit it in the near future and that she has engaged in consultations with the various stakeholders. Since coming to office, she has given this matter her attention. As already stated, it is expected that a memorandum on the matter will be brought to Government in the near future.

Deputy Aengus Ó Snodaigh: I welcome the Minister of State's further clarification. Is he in a position to indicate whether he or the Tánaiste will visit the DIT's existing campuses? The staff and students who work and learn at these facilities are obliged to endure cramped, overcrowded conditions. They were promised, with much fanfare, that a new campus would be built at Grangegorman. As yet, neither a start date nor a completion date have been provided in respect of the construction of that new campus. Will the Minister of State instruct his officials to adopt a new sense of urgency in respect of delivering some type of proposal in respect of this matter in the coming months?

Deputy Seán Haughey: The Government would have been irresponsible if it had not taken account of the changed economic circumstances that have obtained during the past two years. As already stated, the revised plan takes account of the reduced prices that have materialised in the construction sector. It also revises the estimated value of the DIT's property portfolio to reflect current market trends. Circumstances have changed radically in the past two years. As a result, the factors to which I refer had to be taken into account and a revised plan had to be prepared. The plan, as with those relating to many other projects of the same scale, will be implemented in phases. The Tánaiste and I regularly visit institutes of technology.

Deputy Brian Hayes: As the Minister of State is aware, his late father, even in the most difficult of times and much to his credit, managed to push through development projects that were needed in this city and elsewhere. I put it to him that what is required is a Government commitment to allow the strategic development zone plan to proceed. I understand that a very

quick form of planning applies in this regard and that, as a consequence, matters cannot proceed until the Government makes its decision.

Deputy Ruairí Quinn: Absolutely.

Deputy Brian Hayes: It is crucial that the Government should make the decision to which I refer. I understand there is cross-party support for and consensus in respect of such a decision being made.

Deputy Ruairí Quinn: There would be no need to provide money up front in respect of that decision.

Deputy Brian Hayes: We could probably build then the campus on a piecemeal basis and over a longer period. However, it is crucial that the Government should make its decision as soon as possible.

Deputy Seán Haughey: A procedure is in place in respect of the preparation of the strategic development zone. Work on the planning scheme relating to the strategic development zone has been progressed by the agency. I note the Deputy's comments in that regard. There is no doubt that this is a major revitalisation project for the part of Dublin city to which it relates.

Departmental Agencies

10. **Deputy Willie Penrose** asked the Tánaiste and Minister for Education and Skills the areas of FÁS that are now under the remit of her Department; if primary legislation is required to make the changes announced as part of the reconfiguration of Departments in March 2010; and if she will make a statement on the matter. [18293/10]

Deputy Mary Coughlan: The Taoiseach, when nominating new members of the Government on 23 March last, indicated to Dáil Eireann his intention to make a number of changes in the structure of ministerial responsibilities and Departments in the interest of the better alignment of functions. Those changes included a transfer of certain responsibilities from the then Department of Enterprise, Trade and Employment, including responsibility for skills and training policy and for FÁS, as a State body, to the renamed Department of Education and Skills. Responsibility for FÁS employment services and employment programmes was transferred to the renamed Department of Social Protection.

The Office of the Attorney General examined the issues relating to the proposed transfer and advised that in order to ensure that it is carried out correctly, it would be advisable to use primary legislation. On foot of that advice, the Government decided on 27 April 2010 to transfer with effect from 1 May 2010, the functions of the Minister for Enterprise, Trade and Employment regarding FÁS to me as the Minister for Education and Skills. This was done under the Employment Programmes and Services and Skills Training (Transfer of Departmental Administration and Ministerial Functions) Order 2010. The name of my Department, and my title as Minister, was then changed by Government order to Education and Skills with effect from 2 May 2010.

It is now the intention that the Minister for Social Protection, in consultation with me as Minister for Education and Skills, will bring forward immediately a proposed amendment to the social welfare (miscellaneous provisions) Bill 2010 to endow the Minister for Social Protection with the necessary statutory powers in respect of the employment services and community services programmes of FÁS and subsequently to transfer the related funding to the Minister

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for Social Protection. It is hoped, subject to the availability of Oireachtas time, that this Bill will be enacted before the summer recess.

Therefore until such time as the Bill is enacted all areas of FÁS are under the remit of my Department. It is envisaged that further legislation will be required to enable the full transfer of the employment services and community services programmes into the Department of Social Protection.

Deputy Ruairí Quinn: I thank the Tánaiste for her reply. Do I take it that the Secretary General in her Department is the responsible Accounting Officer?

Deputy Mary Coughlan: Yes.

Deputy Ruairí Quinn: The Tánaiste will be haunted by FÁS for longer than she thought.

Deputy Brian Hayes: Yes.

Deputy Mary Coughlan: I do not agree. While I have had my challenges with FÁS, we made a good appointment in respect of the new board, whose members I believe have plenty of drive, energy and enthusiasm. Moreover, there will be greater synergies between FÁS and the skills portfolio in respect of further education, PLCs and so on with the Minister of State responsible. It will bring better synergies and will focus on the development of the national skills strategy. Consequently, I look forward to it.

Pupil-Teacher Ratios

11. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the current pupil-teacher ratio in the classroom as compared with the situation at this time five years ago; her expectations in respect of the 2011 school year based on the expected pupil intake; and if she will make a statement on the matter. [18320/10]

Deputy Mary Coughlan: My Department publishes extensive statistical information on its website, including figures in respect of pupil-teacher ratios, PTRs. The most recently published figures relate to the 2008-09 school year and show that the pupil-teacher ratio was an average of one teacher for every 15.9 pupils at primary level and one teacher for every 13 pupils at post-primary level.

The corresponding figures for the 2004-05 school year was a PTR of 17.1:1 for primary level and 13.4:1 for post-primary levels. Work is well advanced on the statistics for the current school year and it is planned to publish the results in September. The preliminary indications are that the pupil-teacher ratio in the current school year will be broadly in line with previous years. It is early to speculate at this stage on the PTR trend for the 2010-11 school year. However, I do not expect it to be significantly different from recent years because, notwithstanding the general moratorium on public sector recruitment, the Government has agreed to allow schools to increase their teacher numbers to cater for demographic growth.

The Deputy also will be aware that the renewed programme for Government commits the Government to no further increases in the pupil-teacher ratio in primary and second level schools for the lifetime of the Government and the provision of 500 additional teaching posts between primary and second levels over a three-year period. The initial tranches of these additional posts have been allocated and, at primary level, this has enabled some improvement to the primary staffing schedule for the 2010-11 school year. The improvement has been tar-

geted at medium to larger sized schools, which typically are under the greatest pressure in respect of class sizes.

Deputy Brian Hayes: The issue in this regard pertains more to class sizes than to pupil-teacher ratios, as the latter are arrived at by adding up all teachers, principals and everyone else and dividing them by the number of children in the school. That does not tell one much. The real issue pertains to class size and as the Tánaiste is aware, this has worsened considerably in the course of the last two years, given the change in the class schedule. Does the Tánaiste have information to hand for the benefit of Members on the total number of classes nationwide that have 30 or more children? Is such information available? Second, did the Tánaiste state in her reply that the full information on last year's enrolment figures, which is normally given to the Department in October of each year, will not be available until next September? It is important that she should clarify this point.

Deputy Mary Coughlan: The Deputy is correct. The PTR calculation is the total enrolment in the number of teaching posts as of 30 June. Consequently, one must wait until 30 June before this work is completed. It is then——

Deputy Ruairí Quinn: The Department gets the figures for pupils in October and gets the figure for the number of teachers the following June. That is some system.

Deputy Mary Coughlan: Yes, that is the system and it is expected to be ready for publication in September.

Deputy Brian Hayes: Of this year?

Deputy Mary Coughlan: Yes. As for the issue regarding the number of classes, the pupil-teacher ratio is what is set down. The management of the number of children within their class is a matter for the local management and a number of class sizes can be greater than 28, for example, because of local decisions that are made when people wish to avoid having different numbers of classes within the same room, etc. However, it is important that principals in particular should consider the idea of having smaller multigrade classes, as opposed to having particularly large differences in class sizes between, for example, fifth and sixth class or second and third class or whatever. The position is that despite the huge difficulties we face in respect of the economy, the Government is still in a position to appoint teachers to deal with the present demographics. Given the challenges that exist——

Deputy Brian Hayes: The numbers are increasing. The Department does not have a choice.

Deputy Mary Coughlan: While the numbers are increasing, the Government is in a position, through the setting aside of the moratorium, to allow those appointments to be made, as well as 500 additional appointments.

Deputy Brian Hayes: The Government must do so.

Adjournment Debate Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Seán Barrett — the way in which the Department of Social Protection distinguishes between approved retirement funds and annuities in so far as the payment of PRSI contributions; (2) Deputy Lucinda Creighton — the management of funding within the

[An Leas-Cheann Comhairle.]

Dublin Inner City Partnership; (3) Deputy Caoimhghín Ó Caoláin — the need for the Minister for Finance, in light of the now signalled loss of 900 jobs at Quinn Insurance and the devastating consequences thereof, to explain why the Financial Regulator decided to ban Quinn Insurance Limited trading in the Six Counties and in Britain hours before he sought the appointment of provisional administrators; the reason it has taken so many weeks to restore even partial access to these markets and what efforts the Government has employed to ensure that all decisions of the Financial Regulator have been justified, given the serious consequences for this company's reputation and viability in all markets and the serious loss of jobs now consequential on the Regulator's actions; (4) Deputy Joe Behan — the levels and consequences of personal indebtedness in Ireland today; (5) Deputy Thomas P. Broughan — the need to establish a commission of investigation to examine all aspects of planning, construction and building control and building repairs in the north fringe district of Dublin city and Fingal county; and (6) Deputy Joe Costello — the need to end the practice of dispatching leachate from the landfill in Balleally to the treatment plant in Ringsend through the sewerage system of Dublin City Council.

The matters raised by Deputies Behan, Barrett, Broughan and Creighton have been selected for discussion and will be taken now.

Adjournment Debate

Personal Indebtedness

Deputy Joe Behan: At the outset, I thank the Ceann Comhairle for allowing me the opportunity to raise on the Adjournment the important matter of personal indebtedness and its consequences for our country. I was prompted to raise this issue of personal indebtedness and its consequences following many heart-wrenching representations from my constituents on the matter and I congratulate the Oireachtas Library and Research Service for its excellent publication on the subject.

This publication made for startling reading. The figures for Ireland's personal indebtedness are staggering. The debt to disposable income ratio of our citizens rose by 270% over the period between 1995 and 2008. This is the largest increase in a group consisting of Ireland, the United Kingdom, France, Spain and Canada and provides at least one international benchmark with which to compare Ireland's indebtedness with that of other countries with a similar standard of living.

The practice of reckless lending by Ireland's financial institutions was not only focused on property developers. Those who traditionally would have found it difficult to access mainstream credit in the past were advanced easy credit without regard to their long-term financial prospects or their understanding of responsible borrowing and the impact of external factors on the ability to repay personal debt. The Minister for Finance and the Government must deal with the consequences of this personal indebtedness for those affected. There are countless families and individuals throughout the country who now suffer from severe levels of stress and anxiety because of their inability to meet their financial obligations. The research shows that not only are there health effects for the individuals concerned but another consequence of a lack of disposable income is that health concerns are not dealt with adequately because the individuals cannot afford to seek the necessary treatment. There is clear evidence supporting the link between indebtedness and health problems and growing evidence of the direct and

indirect costs associated with these problems on the public purse in respect of hospitalisation, treatment, loss of production and rehabilitation.

Another aspect of the report which must be dealt with concerns the problem that many of those who have fallen into debt have done so because they do not have adequate financial capability to manage their finances. This matter must be addressed in schools as part of the curriculum. Students should be prepared to deal with practical matters such as money management, disposable income, cost of credit and the implication of interest rates in order that they will not find themselves with this problem in the future. This *Spotlight* edition from the Oireachtas Library and Research Service notes the startling point that the National Adult Literacy Agency believes people may find it easier to understand moneylenders' repayment schedules than those of financial institutions.

I commend the excellent work being done by the Money Advice and Budgeting Service, MABS, and ask the Government to continue to support and promote this agency and its work. Following the collapse of the housing market and the current economic situation, people in our society have fallen into personal indebtedness for the first time in their lives. They may not all be aware of the support that MABS can offer and I believe Members must support and promote this vital service continually as it definitely can make a difference to those struggling under the burden of debt.

In my constituency, I have seen a large increase in the numbers of people seeking support. There is much anecdotal evidence about the rise in moneylending throughout the country and all Members are familiar with the scourge of moneylending in marginalised communities. Moneylenders prey on the vulnerable and must not be allowed to get a further foothold in disadvantaged communities.

In this regard I commend the excellent work being done throughout the country by the dedicated volunteers of the St. Vincent de Paul Society in combating the scourge of moneylending and more generally in dealing with the plight of personal poverty and indebtedness suffered by many people in disadvantaged communities. Furthermore, I wish to put on the record at this time my personal sadness at the death at the age of 91 years of Mr. Jim Pyne, a life-long member of the St. Vincent de Paul Society in Bray, County Wicklow. This was a man who railed consistently against moneylending and moneylenders and who served the people of his community with energy, dedication and selfless generosity.

I call on the Government to promote innovative ways to deal with the issue of personal insolvency. In other jurisdictions there are a number of schemes individuals can access such as individual voluntary arrangements and debt relief orders. We need urgent reform of our personal bankruptcy and insolvency laws which reflect the modern dimensions of these matters.

The Government needs to show the people of Ireland that it understands that factors outside their personal control have greatly impacted on people's personal indebtedness. It would be a fitting response to the current economic crisis if the Government initiated some person-centred schemes to help the families and individuals around the country who find themselves in financial crisis brought on by negative equity, reckless lending and unemployment. This would demonstrate that the Government cares about the plain people of Ireland and their financial difficulties just as much as they care and provide for the needs of the rich and powerful.

Minister of State at the Department of Finance (Deputy Martin Mansergh): I thank Deputy Behan for raising this issue. The Government is fully aware of the level of personal indebtedness in Ireland and the difficulties faced by individuals and households in dealing with this. The Renewed Programme for Government sets out our commitments for introducing measures

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needed to protect families having difficulties with their mortgage repayments and personal indebtedness under the heading “Protecting the Family Home and Helping Those in Debt”.

The scale of the problem of indebtedness is evidenced by the details of private sector credit published by the Central Bank in its quarterly bulletin. While the stock of private sector credit has been falling since June 2009, the Central Bank has noted that much of the decline in private sector credit can be attributed to valuation effects such as the write down of loans, increased bad debt provisions and exchange rate movements in the euro.

House mortgage finance has been declining in recent years. The latest monthly statistics show a net fall of €717 million in the outstanding stock of residential mortgages during March. At the end of March 2010 the outstanding stock of residential mortgages stood at €146.5 billion compared to a peak of €148.5 billion in March 2009. Earlier this year the Minister for Finance expanded the membership of the interdepartmental mortgage arrears group. The terms of reference of the group, approved by the Minister, reflect the commitments made by the Government in the Renewed Programme for Government and in subsequent Government decisions relating to the issues of mortgage arrears and personal debt.

The group is meeting on a regular basis. I understand that the emphasis is initially on exploring the feasibility of a range of possible options for improving the level of mortgage support to homeowners in difficulty. The group will then address the personal debt issue. Proposals will be based on factual information gathered by the group and will take into account the findings of existing reports and mortgage support schemes in operation in other jurisdictions. The Minister will be kept informed regularly of work progress and it is expected that a final report on this phase will be ready by mid-summer. In addition, in the recent budget the Government refocused mortgage interest relief on those who bought their homes at the peak of the market, many of whom now find themselves in negative equity. Where a homeowner’s entitlement to mortgage interest relief would expire in 2010 or thereafter, he or she will now continue to receive it up to the end of 2017.

The House will be aware of the other supports available to mortgage holders including the Financial Regulator’s code of conduct on mortgage arrears, the mortgage interest subsidy scheme and the services provided by the Money Advice and Budgeting Service, which Deputy Behan rightly praised.

This service falls under the remit of the Minister for Social Protection. It is a national, free, confidential and independent service provided to people in debt or in danger of getting into debt. MABS works with people in order to assist them with their financial planning and budgeting for the future. In 2010 almost €18 million has been provided to assist MABS deal with its workload.

It is also important to highlight that the Law Reform Commission’s consultation paper on personal debt management and debt enforcement contains an extensive list of provisional recommendations for reform of the law on personal debt. I understand that the commission is aiming to have its final report available by the end of August 2010. The mortgage group mentioned will take account of these recommendations as it proceeds to address the personal debt aspects of its terms of reference.

Pension Provisions

Deputy Seán Barrett: A former Minister for Finance, Charlie McCreevy, during his reign made some changes to the manner in which the self-employed and company directors could

contribute towards a pension fund, which were welcome. The changes made allowed a self-employed person on reaching retirement age to take 25% of the fund built up in cash and the balance to be used to purchase an annuity or to be invested in an approved retirement fund from which the person could draw down an income for the remainder of his or her life. The important difference this made from the State's point of view is that under the approved retirement fund scenario the State is guaranteed that all income — even after death an account is taken of those who would inherit the balance of fund — will be taxed by way of PAYE. I will compare that scenario to that of a person who takes out an annuity, for example, a person with a fund of, say, €500,000 at retirement and who takes 25% of it and uses the balance to purchase an annuity or a retirement fund. With an annuity, one would normally get a guarantee for five years, but if one died in the sixth year, one's fund would cease and the money in the fund would belong to the insurance company. With an approved retirement fund, however, if one died in the sixth year, the remainder of the fund would be passed on as part of one's estate but any income or moneys taken from that fund would be taxed by way of PAYE. Therefore, the State is benefiting by people choosing a retirement fund as distinct from an annuity.

Everything was fine until recently. A circular was issued, which stated ARFs are not pension schemes and are instead retirement funds and withdrawals from ARFs are liable for PRSI at Class S. This is an extraordinary change. For example, if a person has an annuity of, say, 20,000 a year, which is his or her income, and another person has the same income from a retirement fund, the person with the retirement fund has to pay PRSI at Class S while the person with the annuity does not pay any PRSI, which is the way it should be. Such people should not have to pay PRSI because they have retired and they are not entitled to any benefits under it. The relevant information states that Class S is paid by self-employed people such as farmers, certain company directors, people who run their own businesses and people with income from investments, rents and maintenance and it lists the benefits to which a person is entitled.

Why was this sudden change made? It is grossly unfair to people who have chosen the route of investing in an ARF, from which they derive the same income they could get from an annuity, that they are to be charged PRSI at the full rate under Class S. Such a deduction is a substantial amount of money to be taken from a retired person who is depending on this payment for his or her income.

I thank the Ceann Comhairle for allowing me to raise this matter. I sincerely hope that the Minister of State has some news for me. I raised it on Committee Stage of the Finance Bill when I was informed it would be investigated. However, I have not heard anything, hence the reason for raising it. It is important to stress that it is in the State's interest that the retirement funds remain in place because we are guaranteed that all of the money that goes into this will come back in PAYE and tax as against the annuity, from which one might only get a few year's tax. I ask that the Minister would take note and arrange to revert to the procedures in place before this circular was issued. There is no justification for a position whereby somebody who is retired and receiving an income from a retirement fund should be asked to pay PRSI class S, which does not entitle them to benefits which could accrue through the payment of class S because they are not in a position to avail of them.

Deputy Martin Mansergh: I thank Deputy Barrett for raising this issue. Approved retirement funds, ARFs, are funds managed by a qualifying fund manager into which an individual can invest the proceeds of their pension fund when they retire. Income and gains of an ARF are exempt from tax and social insurance within the fund. Any amounts withdrawn from an ARF are referred to as a distribution, which is treated as income from an employment. It is subject to income tax and the fund manager must operate PAYE and PRSI as appropriate.

[Deputy Martin Mansergh.]

Approved retirement funds are not pension schemes and are instead treated as assets. The account owner has control over when and how much they can withdraw at any time, unlike, for example, an occupational pension where a person receives a defined amount of money on a weekly or monthly basis. On this basis, withdrawals from approved retirement funds are liable for PRSI at class S.

Pension annuities provide a secure means of converting savings into pension income and avoid the danger that pensioners could exhaust their pension savings in their lifetime. In general, PRSI is not due on any payment received by way of a pension income. Retirement annuity contracts are long-term savings accounts designed to assist individuals to save for their retirement. Employees who are not members of a pension scheme, or individuals who are self-employed, may claim tax relief against earned income. Annuities payable under a retirement annuity contract are, therefore, regarded as excepted emoluments for PRSI purposes.

There has been no recent change to the legislation in this area. Rather, the Department of Social Protection recently clarified to relevant qualifying fund managers that distributions from approved retirement funds fall within the charge to PRSI. As Deputies will be aware, current pensions policy is being developed under the national pensions framework. The aim of the framework is to deliver security, equity, choice and clarity for the individual, the employer and the State. It also aims to increase pension coverage, particularly among low to middle income groups, and to ensure that State support for pensions is equitable and sustainable. The framework identifies the need for incentives to be targeted to strike a balance between encouraging pension coverage and considerations of equity and cost effectiveness. In this context, a review of the interaction between social insurance and pension structures is being undertaken.

Dublin Inner City Partnership

Deputy Lucinda Creighton: I am pleased to have an opportunity to raise this very serious and important matter in regard to the expenditure of public moneys. The Minister of State will be aware that the Dublin Inner City Partnership was established in 1991, one of 12 development companies under the programme for economic and social progress at the time. The aim of this partnership was to fund community groups and to fund projects in disadvantaged areas, including those most affected by abject poverty in the State.

Significant funding of millions of euro was made available and administered by the Dublin Inner City Partnership over an extended period. Pobal administered the funds to the Dublin Inner City Partnership through a local development social inclusion programme under the ambit of the Department of Community, Rural and Gaeltacht Affairs, through the millennium partnership fund under the Department of Education and Science, and through the immigration and integration fund under the auspices of the Department of Justice, Equality and Law Reform. Effectively, a middleman was created between the Government funding the schemes and the communities to which these funds were to be channelled for their benefit.

What is a matter of grave concern to me and to my constituents, many of whom have been involved in the community and voluntary sector over an extended period, is that initially no reports were conducted into how these moneys were being administered until an audit was conducted in March 2008. It seemed clear from the subsequent events that questions were raised by this audit and, therefore, another audit was conducted in December 2009. What is bizarre about these audits is that they have not been published and have not been made available either to public representatives or to the communities which were to receive the funds.

The audits have been made completely secret by Pobal, which is extraordinary and, in my view, unacceptable.

This degree of secrecy does not instil confidence. What I have read in the media and what has been claimed by various national newspapers is that the second report discovered that senior management in the Dublin Inner City Partnership were paying themselves significant amounts above and beyond what was approved by Pobal. One manager in the partnership is alleged to have received over €10,000 more than was approved by Pobal, the financial administrator over €5,000 more and the regeneration officer over €5,000 more. Subsequent to these details becoming public, one Dublin city councillor resigned from the board but, unfortunately, two other councillors did not. What is interesting is that one political party, Sinn Féin, has come out and condemned the decision by Pobal to completely withdraw funding from the Dublin Inner City Partnership from the end of this month. That condemnation is somewhat extraordinary as I believe the withdrawal of funding was the correct course of action.

I would like to highlight a number of issues. The first is the lack of accountability. These are public moneys — taxpayers' money — which have been spent and administered in a very questionable fashion with no accountability. I call on the Government to ensure that the audits of the Dublin Inner City Partnership which were conducted by Pobal will be made available, which is only right in the interests of transparency. It strikes me as more than bizarre given that, following the type of squandering of public moneys we have seen in other organisations such as FÁS and other Government quangos, there has been some degree of accountability in recent times. Due to a media and political furore, some opening up and transparency has ultimately been seen in these bodies but there has been none in regard to Pobal and the Dublin Inner City Partnership.

It is essential that a number of developments happen for the future. First, we must ensure the funds continue to be made available to these groups and that this is not used as an excuse to stop funding very valuable and important community groups. Second, we must ensure any new body which replaces the Dublin Inner City Partnership is an exercise in genuine local democracy and genuine community involvement rather than having the same old individuals popping into positions of authority in regard to the administration of these funds. I genuinely do not believe this will be acceptable to the communities involved.

Deputy Martin Mansergh: I thank Deputy Creighton for raising this issue.

In 2009, Dublin Inner City Partnership, DICP as it is referred to, was allocated some €1.1 million under the Department of Community, Rural and Gaeltacht Affairs Local Development Social Inclusion Programme, LDSIP, to implement measures tackling social and economic exclusion in Dublin's inner city. That funding was provided through Pobal, which managed the programme on behalf of the Department. It might be noted that DICP had been in receipt of LDSIP funding over many years and was also in receipt of FÁS funding to provide the local employment service in the area.

In January 2010, the LDSIP and community development programme, CDP, were superseded by the new local and community development programme, LCDP. Under the new programme an allocation of €1,074,855 was made to DICP by Pobal, which also manages the new programme on behalf of the Department. On the 18 January, €107,485 was issued to DICP as a first payment from this allocation. DICP would also have FÁS funding for 2010. As part of its programme management role, Pobal has a remit to manage Government funds in a transparent and prudent manner, to provide guidance and support on organisational management and governance and to conduct independent audits of beneficiaries based on risk analysis.

[Deputy Martin Mansergh.]

After funding allocations for 2010 had been settled, Pobal was completing a follow-up audit on foot of a previous audit completed in March 2008 which audit had given rise to major concerns about weaknesses in financial controls and procedures, non-compliance with programme accountability requirements and payments of salaries in excess of approved scales. Following that audit, the company had been given an opportunity by Pobal to address those issues and had committed in writing to so doing by 31 March 2009. However, the follow-up audit to which I have referred revealed that DICP had not addressed the issues despite the commitments made.

On 1 April 2010, the board of Pobal decided to cease its contract with DICP in light of the concerns about weaknesses in financial controls and procedures, non-compliance with programme accountability requirements, payments of salaries in excess of approved scales and the failure on the part of the company to address those issues. The Department, given its duty to protect public funds, strongly supported the Pobal decision to cease the contract and believed that Pobal had no alternative but to do so. DICP was given an opportunity to appeal the Pobal decision and has done so. It is expected the appeal process will be completed before end-May 2010.

It is the objective of the Minister, Deputy Carey — the Department and Pobal have taken steps to ensure this — to ensure the decision to cease the DICP contract will have no adverse impacts on services provided in the inner city area. Heretofore, the main role of DICP in the context of the LDSIP and LCDP programmes was as a provider of funds from allocations made by Pobal to community and other groups providing services in the inner city area. Pobal has met with all of the groups concerned and has finalised arrangements to manage directly the funding of their work. There will be no interruption or reductions in funding and the groups have been assured this funding will continue until a long-term resolution is found to the management of the new programme in the area.

Pobal has also been in discussions with FÁS on ensuring the non-disruptive continuation of local employment service, LES, and centres' operations in the area. I apologise to Deputy Creighton for the alphabet soup contained in the reply.

Planning and Construction Investigation

Deputy Thomas P. Broughan: I am again demanding a commission of investigation into all aspects of the planning, building regulation and development of the North Fringe new urban district stretching from Clonshaugh to Baldoyle in the Dublin North-East constituency. I have been again contacted by young householders in the Clongriffin district of the North Fringe who have been asked to sign contracts with one of the builders of their estate, Killoe Developments, for the repair of their pyrite-damaged homes on less favourable terms than were previously on offer. Killoe Developments has yet to repair 156 out the 157 pyrite affected homes and apartments built by it in Clongriffin. Members will recall, from approximately six earlier debates in the 30th Dáil initiated by me in regard to this matter, that pyrites is an iron sulphide which expands if exposed to air or water. Infill flooring materials containing too high levels of pyrite were used in a number of estates in the North Fringe, including Clongriffin, the Coast and elsewhere in the north Dublin and Leinster regions. Sources in the construction industry have informed me that at least 60,000 residential units built during the property bubble in 2001-02 may be infected by this disastrous pyrite infill at a replacement cost of approximately €20 billion.

As the months go by more and more new estates are testing for pyrite contamination, most recently a new seniors development at Clancarthy in Donnycarney and apartments at Northwood in Santry, north Dublin. The pyrite scandal is becoming the biggest disaster in the history of Irish construction. A few weeks ago Clongriffin DART station finally opened, nearly five years late, and the redesign of our existing Fr. Collins Park in Donaghmede-Clongriffin has won universal approval. However, huge tracts of the North Fringe remain derelict wasteland with major public service deficits. Former Taoiseach, Deputy Bertie Ahern, and current Taoiseach, Deputy Cowen, have steadfastly refused my constant appeal since 1999-2000 to make the North Fringe a strategic development zone. In the North Fringe, across from Clare Hall, Belmayne, Clongriffin, Stapolin and the Coast up to 2,000 housing units remain vacant or at the derelict foundation stage.

The pyrites disaster has been compounded by the collapse of the agreement between Stanley Holdings and Dublin City Council to develop the vacant 9.3 hectare town square site in Clare Hall and the ongoing serious insulation and noise problems in Belmayne. Unbelievable planning and fire safety problems also arose last year in the Priory Hall estate of the North Fringe with Dublin City Council, on the advice of the chief fire officer, having to move 16 tenancy households out of the district for their own safety. Last autumn, I raised grave concerns in this House about fire safety at Priory Hall and in particular the RAS tenants, private tenants and unfortunate young owners of properties in the 187 apartment complex.

On my proposal as a city councillor in 2005, city manager John Fitzgerald established the North Fringe Forum which will meet next Tuesday. However, that body is basically a quarterly talking shop for stakeholders. The key responsibility for the unfolding planning and regulatory mess in the North Fringe rests with the Minister, Deputy Gormley, city manager, Mr. John Tierney and his predecessor Mr. John Fitzgerald, Fingal county manager, Mr. David O'Connor and his predecessor, Mr. John Tierney. The Minister has flatly refused to order a full traceability audit of the 2 million or more tonnes of infill used by the pyrite affected quarry at Bayview, Ballycoolin owned by the Irish Asphalt division of the Lagan Group. Only 5% of this aggregate has been accounted for so far. The Minister, Deputy Gormley, and his Department have also failed to audit other Leinster quarries allegedly affected. The Minister has also failed to establish a pyrite monitoring and investigation agency on the lines of that developed in Quebec province in Canada which suffered a similar widespread disaster. Most of all, the Minister and the Dublin and Fingal managers have failed abysmally to implement the building regulations and planning laws or to order any investigation of continuing failures in this regard.

The Minister and Government refuse to take any action to assist young householders suffering terrible anxiety in regard to their mortgage investments. These young people are being callously left to fend for themselves. This Government does not give a damn. What is now needed is a commission of investigation under the 2004 Act, introduced by former Minister and Deputy, Mr. McDowell, into all aspects of the North Fringe with a brief to identify all of those responsible for the disaster and to make urgent recommendations for the full repair and completion of the North Fringe urban region.

Deputy Martin Mansergh: The Minister for the Environment, Heritage and Local Government, Deputy Gormley, would like to thank Deputy Broughan for raising this important matter which was also addressed in a parliamentary question on 20 April 2010.

Specific responsibility for the planning and delivery of the North Fringe development rests with the local authorities involved, Dublin City Council and Fingal County Council. The North Fringe Framework Development Plan, which was prepared by Dublin City Council in 2000,

[Deputy Martin Mansergh.]

sets out the objectives for the area, the site context and the urban design framework. The plan emphasises the need for a quality bus service and the provision of community facilities, including schools, a library, sports facilities and public spaces, which will serve the anticipated 30,000 people who will ultimately live in the area. Planning permissions in the North Fringe have been granted in line with the framework plan.

While the overall roll-out and timing of these private developments is guided by the demand for housing and other market forces, it is clear that the provision of the community facilities mentioned, in tandem with the housing development, is seen as key in the development of the area. In this regard the Department of the Environment, Heritage and Local Government understands that a North Fringe cross-authority agency forum has been established to monitor progress in the North Fringe. Membership includes senior officials from the two councils, representatives of local residents' groups and from statutory bodies such as the HSE, the Department of Education and Skills, the Garda Síochána and public transport providers.

The national building regulations set out the legal requirements for the design and construction of new buildings, including houses, extensions and material alterations and certain changes of use of existing buildings. The related technical guidance documents provide technical guidance on how to comply with the regulations.

Compliance with the regulations is the responsibility of the owner or builder of a building. Enforcement of the regulations is the responsibility of the 37 local building control authorities who are empowered to carry out inspections and initiate enforcement proceedings, where considered necessary. The resolution of problems arising between building owners and builders is a matter for the parties concerned, namely the building owner, the relevant developer and the builder's insurers. Where the construction of a building is the subject of a contract between the client and the builder, enforcement is a civil matter.

The Minister has, on a number of occasions, addressed the position regarding the use of pyrite in house construction. It is worth re-stating that the Department of the Environment, Heritage and Local Government acted very promptly once this issue was brought to its attention in mid-2007. It brought the matter to the attention of all building control authorities and requested co-operation in the enforcement of the relevant requirements. The Department has incorporated a National Standards Authority of Ireland, NSAI, new amended standard recommendation on the use of aggregates as infill for civil engineering and road construction work into the relevant technical guidance document of the building regulations. The Department also notified all key stakeholders of the provisions of the amended technical guidance document.

Similarly, the position in regard to fire safety concerns at an apartment complex was set out in reply to an Adjournment Debate matter on 8 December 2009. Compliance with the building regulations is kept under constant review by the Department of the Environment, Heritage and Local Government. The Minister expects to receive shortly, from the Building Regulations Advisory Body, established under the 1990 Building Control Act to advise him on matters relating to building regulations, a report on enforcement of the regulations. It is anticipated that this will be an important input to his Department's ongoing consideration of the building regulations regime.

The Dáil adjourned at 5.25 p.m. until 2.30 p.m. on Tuesday, 11 May 2010.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 11, inclusive, answered orally.

Disadvantaged Status

12. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Skills the steps she is taking to support disadvantaged children in the classroom; and if she will make a statement on the matter. [18069/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): The majority of schools include among their pupils, children with disadvantaged backgrounds. In general most schools address the individual needs of these children without recourse to additional targeted resources. Evidence has shown that disadvantage associated with poverty and social exclusion assumes a multiplier effect where the levels are highly concentrated in schools.

DEIS (Delivering Equality of Opportunity in Schools), the action plan for educational inclusion, provides for a standardised system for identifying levels of disadvantage and an integrated School Support Programme. As a result of the identification and review processes, 881 schools have been included in the School Support Programme under DEIS. These comprise 679 primary schools (urban and rural) and 202 second-level schools.

DEIS provides various supports for both primary and post primary schools. These include:

- reduced pupil teacher ratio in primary schools in urban areas with most disadvantage;
- allocation of administrative principal on lower figures than generally apply in primary schools in urban areas;
- additional capitation funding based on level of disadvantage;
- additional funding for schools books;
- access to the School Meals Programme
- access to numeracy/literacy supports and measures at primary level;

[Deputy Seán Haughey.]

- access to Home School Community Liaison services;
- access to the School Completion Programme;
- enhanced guidance counselling provision at post primary level;
- access to planning supports;
- provision for school library and librarian support in post primary schools with most disadvantage;
- access to the Junior Certificate School Programme and Leaving Certificate Applied;
- access to a range of professional development supports.

The renewed programme for Government reinforces my commitment to support children in DEIS schools. In particular the renewed commitment to the Junior Certificate Schools programme and the Leaving Certificate Applied will ensure that children attending the most disadvantaged Post Primary schools will continue to benefit from enhanced curricular relevance and choice as well as access to specific literacy and numeracy measures.

The main focus of my Department is to retain resources in schools participating in DEIS, as there is a need to focus targeted resources on the schools serving the most disadvantaged communities. This approach is in line with the broad thrust of the recommendations of the Comptroller and Auditor General which are set out in his report on Primary Disadvantage of 2006, which recommended that my Department should focus its educational disadvantage measures on those schools serving the most disadvantaged communities.

My Department is currently preparing for the next identification process to select schools for inclusion in DEIS. A Steering Group has been established and commenced work in January 2009 to identify the variables which best predict achievement in schools. A comprehensive consultation process to include relevant education stakeholders will be put in place before the end of 2010 to ensure that the identification process meets the needs and concerns of all stakeholders.

Schools Patronage

13. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Education and Skills if she will instruct her officials to recognise Educate Together as a patron at second level; if her officials will award the patronage of a new secondary school in Lucan, County Dublin, to Educate Together in view of the fact that there are five Educate Together primary schools in the area; and if she will make a statement on the matter. [18308/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Deputy will be aware that Section 10 of the Education Act 1998 deals with the recognition of new schools and sets out the factors that I, as Minister, must take into account when considering such applications. My predecessor previously outlined to the House that given the changing nature of Irish society and the projected need for a number of post primary schools to open in the medium term, the Department is considering a number of broad policy issues regarding the establishment of new post-primary schools. As part of this, consideration is being given to the setting up of a new framework in relation to the establishment of new second-level schools and their patronage. New schools where only very initial planning has taken place will be considered in the context of this framework when it is established.

The second-level school at Lucan is the only such school where a VEC has already been informed about patronage. It is not the case that patronage of this school has been withdrawn from County Dublin VEC rather the position is that the issue will receive further consideration in the light of the new framework.

The consideration of this new framework is not delaying the site acquisition, planning, design and building of second-level schools in any way.

In addition to the County Dublin VEC, an application has been made by Educate Together in relation to the proposed new school in Lucan. Furthermore, a general application in relation to schools in developing areas has also been received from the Loreto Education Trust.

In view of the range of issues involved, it has not been possible to bring this matter to a conclusion as quickly as everyone concerned would have liked. However, it is my intention to finalise this matter and convey a decision to Educate Together and other relevant parties at the earliest date possible.

Special Educational Needs

14. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the provision she expects to make in the current year to meet the requirements as set out by the various school authorities in respect of extra special needs assistants, resource or special needs teachers; and if she will make a statement on the matter. [18319/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): There has been unprecedented investment in providing supports for pupils with special needs in recent years and Special Education continues to be a key Government priority. Over €1 billion is being spent in supporting special educational provision this year.

The Deputy is aware that schools apply to the National Council for Special Education for supports for pupils with special educational needs such as resource teaching and special needs assistants. There are now about 20,000 adults in our schools working solely with pupils with special needs. This includes over 10,000 Special Needs Assistants (SNAs); 8,600 resource and learning support teachers; over 1,100 special school teachers and hundreds of other teachers in special classes. There has been no change to the policies which underpin the allocation of either SNA or resource teaching support to schools.

My Department continues to fund special school transport arrangements for pupils with special educational needs. Funding is also provided to schools to purchase assistive technology and/or specialist equipment. In addition, funding can be provided for school buildings to be adapted where necessary.

In 2005, all primary schools were allocated additional permanent teaching resources to assist schools in making provision for children with higher incidence special educational needs. Most pupils with high incidence special educational needs are included in ordinary classes with their peers and are supported by their class teacher. The curriculum is flexible so that teachers can cater for the needs of children of different abilities.

At post primary level, or where a primary pupil has a low incidence special educational need, schools may apply to the National Council for Special Education for an individual allocation of teaching support.

My Department has also responded to the need to provide teachers with continuing professional development in special education. This has been a key priority in recent years. The establishment of the Special Education Support Service (SESS) to provide expert support, professional development and training opportunities in special education for school staff has been very significant. Last year alone 23,602 training places were provided through the SESS.

[Deputy Mary Coughlan.]

I wish to emphasise that special education remains a key priority for my Department. I can assure the House that resources will continue to be allocated to schools to meet pupils' needs in line with my Department's policy.

Schools Patronage

15. **Deputy Pat Rabbitte** asked the Tánaiste and Minister for Education and Skills when she expects the ten schools that are shortlisted for a transfer of patronage to occur; if she will hold the plebiscite of the local communities involved; and if she will make a statement on the matter. [18304/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The issue of the Catholic Church divesting itself of certain schools was originally explicitly raised by Archbishop Diarmuid Martin. In discussions on this matter, senior representatives of the Catholic Church and my Department agreed that it was essential to engage in planning for change. In order to advance the matter, my Department agreed that it would examine a number of initial locations to see what scope or options might exist for change of patronage in these cases. The particular focus was on identifying a sample number of areas of relatively stable demographics where the establishment of new schools was unlikely to emerge in the foreseeable future and where the provision is exclusively Catholic or where there is very limited diversity of provision at present. The aim is that these areas can then be used to trial the modalities by which the number of Catholic places and schools will be reduced and released for others.

The production of a potential list of locations by the Department will, of course, only be a first step. The decision on the identity of the particular Catholic school or schools that should close because of a surplus situation must ultimately rest with the patron and the Catholic community in the parish or parishes concerned. This means consultation within the parish or diocese, with the parent body of the schools and with the staff of the schools. Following any such identification by the Catholic community, there would then need to be consultation with the local community generally, including prospective patrons, on the future patronage of the identified schools. Officials in my Department are currently carrying out an assessment of 10 locations where changes to patronage may be warranted, given changed demographic profiles in recent decades. This assessment involved the initial identification of 10 locations and detailed work on these. However, it may be necessary to re-identify some further areas if some of the initial 10 locations appear not to be suitable. My Department has not yet completed this assessment. When the assessment is completed it is planned to establish a list of 10 locations where such change may be warranted. The aim is to complete the assessment within the next month with a view to publication of the list.

School Curriculum

16. **Deputy Martin Ferris** asked the Tánaiste and Minister for Education and Skills the steps she will take in order to make science subjects more appealing to secondary school students in view of revelations that growing numbers of students are not taking any science subjects. [18316/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department is fully committed to strengthening the quality of science teaching and learning, promoting increased scientific literacy and encouraging more students, both girls and boys, to choose science subjects.

Science was introduced as a key component on the revised Primary School Curriculum and has been implemented in all schools since September 2003. An evaluation of implementation of the revised science curriculum by the National Council for Curriculum and Assessment has indicated that students have very positive attitudes towards science, engaging in hands-on-science and working collaboratively with their friends in small groups.

A revised syllabus in Junior Certificate Science was introduced in 2003, supporting by an investment of €16m in resources and facilities, and it was examined for the first time in June 2006. The syllabus, with its hands-on investigative approach and its strong emphasis on scientific process skills, requires the completion of some 30 mandatory experiments. It is designed to enhance the attractiveness and relevance of the subject and encourage more students to continue the subject in senior cycle. The proportion of students who sat Science in the Junior Certificate 2009 is 87.2% compared with 87.5% the previous year and 87.3% in 2007.

In senior cycle, the proportion of students sitting Biology in the Leaving Certificate has increased substantially from 39.8% in 2002 to 51.8% in 2009. In Physics, participation was 15.6% in 2002 and 12.8% in 2009. In Chemistry, participation was 11.7% in 2002 and 13.6% in 2009. An important element of the Strategy for Science Technology and Innovation is to increase the proportions of students studying the physical sciences in senior cycle. Revised draft syllabuses in Physics, Chemistry and Biology have been developed by the NCCA which provided a strong focus on practical investigative approaches and practical assessment, as a follow on from the changes introduced at junior cycle in 2003. However, the Council is currently trialling assessment approaches in schools, prior to submitting its advice to my Department.

Some €2.1m per annum is allocated to the Discover Science and Engineering programme, funded by FORFAS, to promote the take up of science, technology, engineering and mathematics in schools and colleges, as well as an awareness of the importance of these disciplines in wider society. The programme includes activities under Science Week, Science clubs in schools, Science Excellence Awards, conferences and lectures, science quizzes and media initiatives. Discover Science also promotes measures to promote awareness of career options in science and engineering, and to disseminate information on role models in these areas. CareersPortal.ie, which is used widely as a guidance tool in schools, also provides information on science careers.

The BT Young Scientist and Technology Exhibition, now in its 47th year, attracted 1,616 applicant projects in 2010. These were screened to select 520 projects for the exhibition, and some 34,000 people visited the event, making it one of the largest of its kind in Europe. In addition, Sci-fest, a series of one day science fairs hosted by the Institutes of Technology, provides competitions, prize giving, science talks, laboratory demonstrations and opportunities for students to exhibit their work. The rapid increase in participation in sci-fest, which is now being offered in each Institute of Technology is a clear indication of the interest and enthusiasm among students and teachers in the investigative approach to teaching and learning science.

I am aware of the recent ASTI report based on responses from 334 teachers of Junior Certificate science which indicates that 14% of schools have dropped a Leaving Certificate science subject from the curriculum this year, and indicates a teacher view that a further 20% are likely to drop a science subject next year. My Department's records indicate that 53 post-primary schools discontinued a science subject in the 2009/2010 school year while 10 schools introduced a new science subject to their curriculum in the same year. It is open to a school to apply for a curricular concession where it is unable to meet its curricular commitments within its approved allocation. Schools can also make an appeal under certain criteria to an independent Appeal Board. Some of the additional posts provided for in the renewed Programme for Government are also being used for increasing subject choice in post primary schools.

Departmental Funding

17. **Deputy Seymour Crawford** asked the Tánaiste and Minister for Education and Skills if her attention has been drawn to the situation regarding the funding of Protestant schools, particularly in the Border area in view of the fact that much of this support has been removed; if she will assure this Deputy that consideration will be given to this situation; and if she will make a statement on the matter. [18071/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I am familiar with the issues raised by some members of the Protestant community concerning issues relating to Protestant fee-charging schools.

I wish to assure the Deputy that I am committed to supporting Protestant education, while at the same time ensuring that funding arrangements for schools under Protestant management are in accordance with the provisions of the Constitution.

Officials from my Department have been holding discussions with representatives of the Protestant community. I am committed to continuing this engagement, as I believe that these issues are best resolved collaboratively.

School Curriculum

18. **Deputy Denis Naughten** asked the Tánaiste and Minister for Education and Skills her views on the report of the expert group on future skills needs regarding the level of achievement in mathematics amongst students here; if she will implement the recommendations of the report; and if she will make a statement on the matter. [18070/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The OECD PISA (Programme for International Student Assessment) 2006 survey of 15 years olds across 57 countries showed that Ireland's mean score in mathematics was not significantly different from the OECD average. We ranked 16th of 30 OECD countries and 22nd of 57 countries. There were fewer lower achievers and higher achievers than the OECD average, with the majority of pupils scoring in the mid range of achievement. When performance levels for mathematics in 2006 are compared with those in 2000 and 2003, there are no changes for Irish students.

The Report of the Expert Group calls for the introduction of bonus points for Higher Level Mathematics in the Leaving Certificate. I recently indicated my own view of the desirability of sending a clear signal to our second level students about the introduction of CAO bonus points for achievement in Leaving Certificate mathematics at higher level. Legally, the criteria for admission to higher education institutions are matters for decision by the institutions themselves. The Academic Councils of these institutions determine the admission arrangements for students. I have written to the President of the Irish Universities Association, the Chairman of Institutes of Technology Ireland and the President of the Dublin Institute of Technology asking them to give early and favourable consideration to the matter, in the context of a suitably devised bonus points system which will successfully encourage more students to study higher level maths.

My Department is addressing the issues highlighted in the Report through the Project Maths initiative, which is designed to encourage better understanding of Maths, to reinforce the practical relevance of maths to everyday life, and to ensure better continuity between primary and second level, and junior and senior cycle. Project Maths began in 24 second level schools in 2008, and will begin in all schools in 2010. The initiative is being supported by intensive investment in professional development for teachers. Some €5m is being invested in professional development for teachers this year, and a rolling programme of investment will continue in this area to at least 2013.

A Project Maths Implementation Support Group has been established as an industry/education partnership to examine and report to me on how best stakeholders from business, second level and higher education can work together to achieve the objectives of Project Maths. The Group is chaired by Mr Frank Turpin, former Education Manager in INTEL Ireland, and nominee of the Irish Business and Employer's Confederation on the National Council for Curriculum and Assessment, and the group includes representation from the Expert Group on Future Skills Needs. The group is due to report to me at the end of May on:

- awareness measures which promote positive attitudes to mathematics and encourage more students to consider careers in this area
- how the partnership can add value to the teaching and learning approaches and support the curriculum in Project Maths
- how best increased take-up of mathematics at higher level can be encouraged.

The Group's work includes examination of a range of reports relating to Mathematics including that of the Expert Group on Future Skills Needs. It is fully accepted that Ireland must move beyond "average" performance in Mathematics if Ireland is to keep pace with the demands of the Smart Economy.

19. **Deputy Deirdre Clune** asked the Tánaiste and Minister for Education and Skills her views on the results of a survey undertaken by the Association of Secondary Teachers in Ireland on science in second level schools which indicates that some schools have dropped science subjects from their school timetable or amalgamated higher and ordinary level science classes; the steps she will take to address this problem; and if she will make a statement on the matter. [18189/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I am aware of the recent ASTI report referred to by the Deputy which is based on responses from 334 teachers of Junior Certificate science. It should be noted that school changes in subject offer is a regular occurrence. The data for schools discontinuing a science subject in the 2007/08 school year — before the increase in the pupil teacher ratio — is largely the same as the numbers discontinuing science in 2009/10.

Teacher allocations to all second level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. In accordance with these rules each school management authority is required to organise its subject options within the limit of its approved teacher allocation. The deployment of teaching staff in the school, the range of subjects offered and ultimately the quality of teaching and learning are in the first instance a matter for the school management authorities.

In accordance with existing arrangements, where a school management authority is unable to meet its curricular commitments within its approved allocation, my Department considers applications for additional short term support through curricular concessions. This concession is available as a short term support for teaching in specific curricular areas affected by circumstances which have not yet been possible to resolve through the normal planning and management processes.

The allocation processes also include appellate mechanisms under which schools can appeal against the allocation due to them under the staffing schedules. The Board of Management of a school can submit an appeal under certain criteria to an independent Appeal Board which

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was established specifically to adjudicate on appeals on staffing allocations in post-primary schools. This Board operates independently of my Department.

Some of the additional posts provided for in the renewed Programme for Government are also being used for increasing subject choice in post-primary schools. This is being achieved in two ways. Firstly, additional posts are being targeted at co-educational schools in single post-primary catchment areas to support wider subject choice. This approach recognises that such schools are under more pressure to provide a wider subject choice, including options in the physical sciences, than a single sex school.

Secondly, additional posts for the coming school year are being allocation to post-primary schools that decide to work together with other local post-primary schools to increase subject choice in a town or area. This is aimed at encouraging cooperation between schools and ensuring the best use of whatever resources are available given current constraints. Furthermore it can facilitate the introduction of a subject such as Physics or Chemistry in two or more schools through the recruitment of one teacher shared between them.

The issues around subject choice, including science, can also be considered further as part of the consultations with the education partners on the allocation of the remaining additional posts under the renewed Programme for Government.

My Department is committed to enhancing the teaching and learning of science in senior cycle, and increasing the proportion of students choosing the Physical Sciences. A comprehensive range of measures to achieve this objective are funded through the Discover Science and Engineering programme at both primary and second level. Revised curricula in science were implemented in 2003 in primary schools and in junior cycle for first examination in 2006. The National Council for Curriculum and Assessment has developed revised syllabuses for Leaving Certificate science, but is trialling assessment approaches in schools prior to submitting its advice to my Department.

Ministerial Meetings

20. **Deputy Mary Upton** asked the Tánaiste and Minister for Education and Skills her views on the audit of assets of the 18 religious teaching orders in view of the Ryan report; if the religious orders have agreed to the increased terms laid out by her; the way she expects the religious orders to raise a further €200 million in cash for the National Children's Hospital in view of the audit of their assets; and if she will make a statement on the matter. [18280/10]

28. **Deputy Eamon Gilmore** asked the Tánaiste and Minister for Education and Skills the outcome of her meeting on 15 April 2010 with religious congregations and with survivors of child abuse; and if she will make a statement on the matter. [16539/10]

145. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Education and Skills if she will report on his meeting with representatives of Catholic religious orders on 15 April 2010; and if she will make a statement on the matter. [16306/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 20, 145 and 28 together.

The Taoiseach and relevant Ministers, including myself, held separate meetings with representatives of the religious congregations and groups representing survivors of residential institutional child abuse on 15th April. The context of the meetings was the responses from the eighteen Congregations, that were party to the 2002 Indemnity Agreement, to the call for further substantial contributions following the publication of the Ryan Report and the Report

of the Independent Panel appointed by the Government to report on the adequacy of the Congregations' statements of resources as a basis for assessing their resources. A Government Statement was issued following the meetings and the Report of the Panel together with the Congregations' individual responses were published on my Department's website.

At the meetings, the Taoiseach advised that the Government had considered the Panel's Report together with the individual responses from the Congregations to the call for further substantial contributions, along with a range of issues raised in the aftermath of the publication of the Ryan Report. The Government's view is that the overall costs in responding to residential institutional abuse, which are now projected to reach €1.36 billion, should be shared on a 50:50 basis between the taxpayer and the Congregations responsible for the running of residential institutions.

The Congregations are now offering significant additional contributions, which they have valued at €348.51m. While more detailed work and discussion is necessary with the Congregations in relation to the detail of their property offers, assuming these contributions are fully realised, the Congregations' collective contributions to date, when account is taken of the original €128m contribution under the 2002 Indemnity Agreement, amount to €476.51m. This leaves a target of over €200m to reach the 50% share of the overall projected costs, of some €680m.

The Government has requested that additional contributions be provided to the greatest degree possible in cash as a contribution to the planned National Children's Hospital.

The Government also announced its proposal to utilise the cash element of the Congregations' current offers of contributions, which will amount to some €110m over the next few years, to establish a Statutory Fund, in keeping with the all party Motion passed by Dáil Éireann, which supported the proposal for a Trust to be set up and managed by the State for the support of victims and to other education and welfare purposes.

Following on the original apology by the former Taoiseach in May 1999, a comprehensive range of measures were put in place in response to residential institutional child abuse. The Commission to Inquire into Child Abuse and the independent Residential Institutions Redress Scheme were established together with a National Counselling Services, family tracing service, education services and funding for support groups. The Government is satisfied that the arrangements put in place have benefited survivors and it does not propose to revise the arrangements. Conscious of the ongoing pain suffered by so many former residents the Government re-iterated its apology to them and its commitment to the full implementation of the recommendations of the Ryan Report. Officials will now engage with each of the Congregations in relation to their current offers and how the objective of a 50:50 sharing of the overall costs will be achieved. Following consultation with the Congregations and the former residents as to the exact nature of the fund, how it will operate and the uses to which it will be put, the arrangements for the Statutory Fund will be considered by the Government.

Legislative Programme

21. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Education and Skills when she expects to publish the draft amendments for the Student Support Bill 2008 in order that Committee Stage can be taken; and if she will make a statement on the matter. [18310/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I am re-assessing organisational options for the student grants administration function in the context of the Government's wider programme of public service reform. Possible options for a more signifi-

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cant centralisation of functions are being explored with a view to streamlining operations and maximising administrative efficiency.

This involves revisiting the proposals for administration currently provided for in the Student Support Bill. I would like to assure the Deputy that these proposed amendments are at an advanced stage of preparation and it is my intention to proceed with the Bill on this basis in the shortest possible timeframe.

School Curriculum

22. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Education and Skills her views on whether the recent low uptake of science subjects by secondary school students is a direct result of cutbacks in this field which included the removal of the annual grant to support the teaching of physics and chemistry; and if she will make a statement on the matter.

[18317/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): While 53 post-primary schools discontinued a science subject in the 2009/10 school year and 10 schools introduced a new science subject to their curriculum in the same year, it should be noted that changes by individual schools in the range of subjects they offer is a regular occurrence. It is worth noting that the data for schools discontinuing a science subject in the 2007/08 school year — before the increase in the pupil teacher ratio — is largely the same as the numbers discontinuing science in 2009/10.

It is important therefore to look at the issues around the drop in science from both a pupil demand perspective and also in relation to the capacity of schools to offer science within their range of subjects.

On the demand side my Department is fully committed to strengthening the quality of science teaching and learning, promoting increased scientific literacy and encouraging more students to choose science subjects. An important element of the Strategy for Science Technology and Innovation is to increase the proportions of students studying the physical sciences in senior cycle.

I do recognise that teacher allocations set the parameters in relation to the number of subjects on offer in schools. However, the deployment of teaching staff in the school, the range of subjects offered and ultimately the quality of teaching and learning are in the first instance a matter for the school management authorities. If schools have difficulties with providing individual subjects (e.g through a retirement of a teacher in one of the subjects concerned) some short-term support is provided through the curricular concessions process to enable them to meet their curricular needs.

Some of the additional posts provided for in the renewed Programme for Government are also being used for increasing subject choice in post-primary schools. This is being achieved in two ways. Firstly, additional posts are being targeted at co-educational schools in single post-primary catchment areas to support wider subject choice. This approach recognises that such schools are under more pressure to provide a wider subject choice, including options in the physical sciences, than a single sex school.

Secondly, additional posts for the coming school year are being allocation to post-primary schools that decide to work together with other local post-primary schools to increase subject choice in a town or area. This is aimed at encouraging cooperation between schools and ensuring the best use of whatever resources are available given current constraints. Furthermore it

can facilitate the introduction of a subject such as Physics or Chemistry in two or more schools through the recruitment of one teacher shared between them.

While certain grants (including the physics and chemistry grants) were abolished in previous budgets, the Renewed Programme for Government also commits to making an allocation to schools to fund school books, at primary and post-primary, and various programmes at post-primary level, including physics and chemistry. Payments will be made to schools in the coming months and in time for the commencement of the next school year in September.

The issues around subject choice, including science, can also be considered further as part of the consultations with the education partners on the allocation of the remaining additional posts under the renewed Programme for Government.

Question No. 23 answered with Question No. 8.

School Staffing

24. **Deputy Seymour Crawford** asked the Tánaiste and Minister for Education and Skills if she will reconsider the decision regarding the abolition of the supply panel in view of the fact that this panel has been beneficial to the schools in which it operates over the past ten years such as at a school (details supplied) in County Monaghan; her views on the fact that there is no potential saving in ceasing this scheme in view of the fact that other teachers will have to be found when needed and the system will not be efficient; and if she will make a statement on the matter. [18072/10]

32. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Education and Skills if she will review her decision to discontinue the teacher supply panel scheme. [18312/10]

159. **Deputy Finian McGrath** asked the Tánaiste and Minister for Education and Skills if he will support the supply teachers panel scheme in 2010. [18519/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 24, 32 and 159 together.

The supply teacher scheme was initially set up at primary level over 15 years ago at a time when schools had difficulty getting substitute teachers. The supply scheme operates on the basis of an additional full-time teacher being allocated to a school to cover certified sick leave absences in that school and a cluster of neighbouring schools. If the teacher is not required on a given day to cover sick leave absences they generally assist with other work in their school such as administrative duties. There are 60 posts allocated to the scheme.

A value for money review of the Supply Teacher Scheme was published in July 2006. The review found that approximately 60% of these teachers' time was used to cover sick leave absences with the balance on various other school duties. This reflects the unpredictable nature of sick leave absences.

While there are benefits for schools in having these full-time teachers it is considered more cost effective to use the normal substitution arrangements that apply to all other schools to cover sick leave absences instead of having a cohort of full-time teachers "on call" all the time in these schools to cover sick leave absences that may or may not arise.

The supply teacher scheme will cease from the start of the 2010/11 school year. The teachers concerned will be redeployed in accordance with the existing redeployment arrangements to other schools that have vacancies. It is expected that this measure will save €0.4m in 2010 and €1.1m in a full year.

School Curriculum

25. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Education and Skills her views on whether it is appropriate for children in vocational education committee schools to be segregated during religious instruction; if she will reverse this policy; and if she will make a statement on the matter. [18318/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The delivery of religious education and faith formation in the community national schools, in keeping with the ethos of the schools, is rooted in principles of inclusion and respect for the diversity of the community represented in the school — with faith formation in different faiths being provided in accordance with the wishes of parents. The overwhelming emphasis in the multi-belief programme is on inclusivity and children are taught a common programme together as a group for more than 80% of the time. Differentiation take place for short periods of faith-specific teaching as might happen in the teaching of any subject.

The multi-belief programme is being developed on an action research basis over the course of the pilot phase of this new primary school model. This method of curriculum development, which is being facilitated by County Dublin VEC, gives an opportunity for all involved, including the faith and belief communities, teachers and parents to share in addressing the practical classroom challenges involved. It means that different approaches can be trialled, assessed and adapted for the future based on experience. The multi-belief programme currently being delivered in the schools is therefore very much a work in progress to be tested over the duration of the research period.

26. **Deputy Martin Ferris** asked the Tánaiste and Minister for Education and Skills if, in view of the provisions available to Gaelscoileanna to practice early total immersion education, this practice will be replicated in Gaeltacht schools; if she has any objection to Gaeltacht schools following suit; and if she will make a statement on the matter. [18315/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The present primary school curriculum affords primacy to the language of instruction of the school in the recommended timeframe for language teaching in English- and Irish-medium schools. It provides for two languages from the beginning of schooling, and sets out learning objectives for all subjects which should be promoted at 4 key stages of primary schooling — by the end of the infant cycle, second class, 4th class and 6th class. Irish-medium schools have traditionally delayed the introduction of the teaching of English for varying periods in order to expedite children's acquisition of Irish, the language of instruction of the school.

In making regulations to prescribe the primary curriculum, I will seek to balance the option to defer the teaching of English in Irish medium schools until the end of the first term in senior infants (subject to the approval of the school Board of Management, following consultation with patron, teachers and parents) with children's entitlement to access the full primary school curriculum, including English.

Recent research has highlighted the increasing diversity of the linguistic community in Gaeltacht areas. I am conscious of the needs of a growing proportion of children enrolling in Gaeltacht schools whose home language is not Irish. I propose to extend the same flexibility to Gaeltacht schools in planning their Irish and English curriculum as will be available to Irish-medium schools outside the Gaeltacht.

A school is required to ensure that its curriculum caters for the educational needs of all its students. I believe that the best educational interests of all children should be the primary consideration in planning the language curriculum for schools. The school plan for language

should be developed in consultation with the individual school's stakeholders, including all parents

School Accommodation

27. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Education and Skills if she will review the decision not to open any new Gaelscoileanna in 2010; and if she will make a statement on the matter. [18313/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Primary education has a pivotal role in the preservation and expansion of the first official language. The promotion of the Irish language has been an important aim of successive Irish Governments and its place in our education system has been consistently protected. This is reflected in the fact that in recent years a significant number of new gaelscoileanna have been recognised — 17 in total since 2005.

As the Deputy may be aware the Commission on School Accommodation is currently reviewing the procedures for the establishment of new primary schools. When my predecessor announced the commencement of the review he stated that no new primary schools would be established ahead of the completion of the review and the putting in place of revised procedures except in places where new schools are warranted because of increased demographics. The interim arrangements for the recognition of new primary schools, while the review of procedures is underway, provide that the Chairman of the Commission on School Accommodation would advise the Minister in cases where more than one patron expresses an interest in opening new schools in locations where new schools are required to meet demographic trends.

Forward Planning Section has carried out a study of the country to identify the areas where, due to demographic changes, there may be a requirement for significant additional accommodation in future years. This study indicated that for the school year 2009/10 there was no requirement for any new school entities based on demographic changes. This is not to say that certain locations were not experiencing an increase in the school going cohort. Following this detailed analysis it appeared prudent to plan for the establishment of new schools to commence operation in September 2010 to meet increasing demand in certain identified areas. There was detailed consultation during 2009 with all patrons in relation to the areas under consideration. In relation to most of these areas the view of the Gaelscoileanna movement was that there was not sufficient additional demand for all Irish provision to warrant the establishment of a new gaelscoil.

There was a specific application for the establishment of a new gaelscoil in Ratoath, Co Meath. However, after detailed analysis of the increase in pupil numbers for September this year and of the capacity in existing schools it was not necessary to establish a new school to cater for the demographic increase. My Department was satisfied that the existing schools can cater for the projected increase in demographics in September 2010. This situation will be reviewed for September 2011 in light of needs and consultation with the patron bodies.

Question No. 28 answered with Question No. 20.

School Transport

29. **Deputy Jim O'Keeffe** asked the Tánaiste and Minister for Education and Skills her plans in relation to promoting environmentally friendly school transport; her views on whether parents should be encouraged to use public school transport to bring children to schools instead of increasing carbon emissions by personally driving their children to school; if all efforts are

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made to ensure such transport is provided to children in need of this public service; and if she will make a statement on the matter. [18073/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): One of the main objectives of the school transport scheme is to provide a basic level of service for children who live long distances from school and who might otherwise experience difficulty in attending regularly.

The school transport scheme, which is operated by Bus Éireann on my Department’s behalf, facilitates the transportation of over 125,000 children to primary and post-primary schools each day including approximately 8,000 children with special educational needs. The allocation for school transport in 2010 is €186 million.

School transport is a very significant national operation involving about 42 million journeys and over 82 million kilometres on 6,000 routes every school year. This service is delivered using a mix of BE, both school transport and road passenger vehicles, private contractor vehicles including private operator scheduled services, and Dublin Bus, Irish Rail, DART and LUAS where practical. The scheme therefore encourages a significant reduction in daily usage of individual cars, and as a consequence also reduces carbon emissions by parents transporting their children to school.

In a new initiative announced in recent days Bus Éireann has partnered with the Sustainable Energy Authority of Ireland to introduce eco-driving and other energy efficiency methods in order to benefit the environment and make energy savings. Bus Éireann has become a member of SEAI’s Energy Exemplar Partnership Programme, which will see it introduce a number of energy management initiatives as part of the public sector target of a 33 per cent improvement in energy efficiency by 2020.

One of these initiatives, which Bus Éireann is currently piloting, is Eco-driving. Eco-driving is an internationally tested method of reducing vehicle fuel consumption by making adjustments to driving style and performance. Studies have shown that savings of between 5 and 20 per cent on fuel consumption can be achieved through eco-driving. In addition to reducing fuel consumption and vehicle emissions, Eco-driving can reduce vehicle operating costs including maintenance and depreciation costs.

In a wider context, the Government’s Smarter Travel policy, which is led by my colleague the Minister for Transport, pursues the need to deliver a sustainable travel and transport system by 2020, including in relation to school travel.

Since the publication of the Smarter Travel Policy in February last year, work has begun on developing a national cycle competency accreditation for schoolchildren. In addition, a stakeholder advisory group has been set up in relation to the delivery of the Green Schools Travel Programme.

My colleague the Minister for Transport, continues to provide financial support for the Green Schools Travel Programme through the National Transport Authority. This programme reached 144,000 schoolchildren in 482 schools by the end of 2009 and yielded an average reduction of 22% in children travelling to school by car. The approved national programme aims to reach 260,000 school children by 2012.

School Curriculum

30. **Deputy James Reilly** asked the Tánaiste and Minister for Education and Skills the way the innovation taskforce’s aim of substantially raising the levels of competence and attainment in mathematics and science so they feed into science, technology, engineering and mathematics

disciplines at third and fourth level can be achieved if the teaching of science at second level is deteriorating as has been suggested in the recent survey of the Association of Secondary Teachers in Ireland; and if she will make a statement on the matter. [18190/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The report of the ASTI does not indicate that the teaching of science is deteriorating. However, it does show that 14% of schools have dropped a Leaving Certificate science subject from the curriculum this year, and teachers considered that a further 20% are likely to drop a science subject next year.

Teacher allocations to all second level schools are approved annually by my Department in accordance with established rules based on recognised pupil enrolment. In accordance with these rules each school management authority is required to organise its subject options within the limit of its approved teacher allocation. The deployment of teaching staff in the school, the range of subjects offered and ultimately the quality of teaching and learning are in the first instance a matter for the school management authorities. It is open to a school to apply for a curricular concession where it is unable to meet its curricular commitments within its approved allocation. Schools can also make an appeal under certain criteria to an independent Appeal Board.

It should be noted that school changes in subject offer is a regular occurrence, and the data for schools discontinuing a science subject in 2007/8 before the increase in the pupil teacher ratio, is largely the same as the numbers discontinuing science in 2009/10. In addition, the level of overall change between the number of schools not offering a science subject in 2005/6 and the position pertaining in 2009/10 is not significant.

The renewed Programme for Government provides for 500 teaching posts to schools over the next three years over and above additional posts that will arise due to demographic increases. Agreement has been reached on the allocation of 100 posts to the post-primary sector for the coming school year, 2010/11. Additional supports will be targeted at co-educational schools in single post-primary catchment areas and at schools that join together with other local post primary schools to increase subject choice in a town.

It is fully accepted that Ireland must boost performance in mathematics and science if it is to keep pace with changing needs in the knowledge society. A major programme of reform, under Project Maths, is under way at present in 24 schools, and will begin in all second level schools in September. The overall aim is to teach Mathematics in a way which promotes real understanding, where students can appreciate the relevance of what they are learning and its application to everyday life, and how mathematics can be used to solve problems. Project Maths is being supported by a comprehensive programme of investment in professional development for teachers which will continue until at least 2013. Some €5m is being invested in this area in 2010, building on a €3m investment in 2009. My Department has also established a Project Maths Implementation Support Group as an industry education partnership to examine and report to me on how best stakeholders from business, second level and higher education can work together to achieve the objectives of Project Maths. The Group is due to report to me by the end of May.

Recently, I indicated my own view of the desirability of sending a clear signal to our second level students about the introduction of CAO bonus points for achievement in Leaving Certificate mathematics at higher level. Legally, the criteria for admission to higher education institutions are matters for decision by the institutions themselves. I have written to the President of the Irish Universities Association, the Chairman of Institutes of Technology Ireland and the President of the Dublin Institute of Technology asking them to give early and favourable consideration to the award of bonus points, in the context of a suitably devised system which

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will successfully encourage more students to sit higher level maths in the leaving certificate. I look forward to their response in the matter.

Science was introduced as a key component on the revised Primary School Curriculum and has been implemented in all schools since September 2003. A revised syllabus in Junior Certificate Science was introduced in 2003, supported by an investment of €16m in resources and facilities, and it was examined for the first time in June 2006. The syllabus, with its hands-on investigative approach and its strong emphasis on scientific process skills, requires the completion of some 30 mandatory experiments. It is designed to enhance the attractiveness and relevance of the subject and encourage more students to continue the subject in senior cycle.

In senior cycle, revised draft syllabuses in Physics Chemistry and Biology have been developed by the NCCA which provide a strong focus on practical investigative approaches and practical assessment, as a follow on from the changes introduced at junior cycle in 2003. However, the Council is currently trialling assessment approaches in schools, prior to submitting its advice to my Department.

Some €2.1m per annum is allocated to the Discover Science and Engineering programme, funded by FORFAS, to promote the take up of science, technology, engineering and mathematics (STEM) in schools and colleges, as well as an awareness of the importance of these disciplines in wider society. The remit of Discover Science and Engineering was recently extended to include mathematics, and its focus on this area will be further strengthened as part of its activities in the coming year.

State Examinations

31. **Deputy Jim O’Keeffe** asked the Tánaiste and Minister for Education and Skills the procedures that have been put in place to ensure that the incident which occurred during the leaving certificate English examination in 2009, when paper II was accidentally distributed instead of paper I, will not occur again; if contingency plans are in place to ensure that any such incident will lead to minimal disruption to students; and if she will make a statement on the matter. [18074/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The State Examinations Commission was asked to investigate and report on the circumstances that required the rescheduling of the Leaving Certificate English exam and the measures needed to address any weaknesses identified and to minimise the risk of any future recurrence. The State Examinations Commission submitted its report to my predecessor on 3 July 2009, and this report, which contained a number of recommendations for process improvement, is available at www.education.ie.

In the state examinations, the superintendent’s core responsibility is to safeguard the security and integrity of the examination papers. Superintendents are provided with detailed instructions, including in DVD format, to assist them in the discharge of their duties. Support and training is provided for any superintendents who have not engaged in this work before. There are clear and comprehensive documented procedures to be gone through to ensure that the correct paper is distributed for each session of the examination process. In addition to specific instructions to Superintendents regarding the need for vigilance in relation to the separate packets of examination papers for Leaving Certificate English Papers 1 and 2 in 2009, these involved;

- colour coding of examination paper packets; green for morning and orange for afternoon,

- clear labelling of all examination paper packets detailing the subject, date and time, centre number and question paper quantities;
- checking by the superintendent of (i) the label (ii) the examination paper and (iii) that all the examination papers in the pack are for the correct session, and (iv) formal sign off that this is the case by the superintendent.
- signed confirmation by two students in the examination centre that the examination paper packet is the correct one for each particular session and that the packet is intact.

In this case, none of the documented procedures were carried out correctly.

A range of measures are being implemented with effect from the 2010 examinations which will contribute significantly to reducing the risk of a future recurrence of the problem which gave rise to the wrong paper being distributed to students. However, it remains the case that the examinations system is heavily dependent on human input, and for that reason, the risk of error can never be entirely eliminated. The measures being taken in the matter include

- Timetable Changes; any subject with two written examination papers will be scheduled on morning and afternoon sessions (these are colour coded differently and this should help ensure that the correct paper is distributed.)
- Redesigned examination paper packets and packet labels to prioritise the key information and generally to reduce the risk that packets could be opened in error.
- Each Superintendent will be partnered with another superintendent for the purposes of validating each other's packets of examinations papers to ensure that they each have the correct papers for the examination session about to commence. A candidate in the examination centre will then be asked to witness the opening of the packet of examination papers and to confirm that the packet has not been tampered with.
- Face-Up Distribution of Examination Papers to Candidates enabling candidates to see immediately whether they have received the correct examination paper for the session, so that the Superintendent can be alerted in the event of an error
- Enhanced training material and instructions for superintendents. This will include a set of Golden Rules for superintendents and clear directions on the action to take in the event of a problem arising.
- A dedicated phone number for superintendents so that they contact the SEC immediately if there is any risk that the integrity of the examination has been compromised.

Question No. 32 answered with Question No. 24.

Higher Education Grants

33. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Education and Skills if she will reverse the decision in budget 2010 to remove eligibility to the student maintenance grant for those availing of the back to education allowance. [18311/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Deputy will be aware that the current difficult economic circumstances have necessitated tough choices to control public expenditure and to ensure sustainability in the long run. In these circumstances, from September 2010, as announced in the Budget, all new applicants who are in receipt of the Back to Education Allowance (BTEA), and the VTOS allowances for those pursuing PLC

[Deputy Mary Coughlan.]

courses, will be ineligible for student maintenance grants. The cost of the student services charge and any fees payable to colleges will continue to be met for eligible students by the Exchequer on their behalf.

Students currently in receipt of the BTEA or VTOS allowances and the maintenance grant will continue to be eligible for both payments for the duration of their current course provided they continue to meet the terms and conditions of the relevant grant schemes. Students progressing to a new course with effect from 2010/11 will no longer be eligible for student maintenance grants but can apply for assistance towards the cost of the student services charge and any fees payable.

It was decided to discontinue the practice of allowing students to hold both the BTEA or VTOS allowance and a student maintenance grant simultaneously as this represents a duplication of income support payments.

This measure was recommended in the Report of the Special Group on Public Service Numbers and Expenditure Programmes. Although BTEA students progressing to a new course or new applicants who are in receipt of the BTEA will no longer be able to hold the maintenance portion of the student grant in addition to the BTEA, they may still submit a student grant application to establish entitlement to payment of the student service charge or tuition fees from my Department.

Students who qualify for maintenance grants will continue to receive substantial grant funding, together with full support for payment of the student service charge. Those on particularly low incomes will also continue to receive a “top-up” in the special rate of maintenance grant.

Some €5m will continue to be made available through the access offices of third-level institutions to assist students in exceptional financial need through the Student Assistance Fund. The access offices themselves will also continue to provide support and advice to mature students to enable them to continue with their studies. The objective of the fund is to assist students in a sensitive and compassionate manner, who might otherwise, due to their financial circumstances, be unable to continue their third level studies. Information on the fund is available from the access officer at a candidate’s college.

State Examinations

34. **Deputy Deirdre Clune** asked the Tánaiste and Minister for Education and Skills the steps she will take to address the ongoing concern about grade inflation at second and third level institutions; and if she will make a statement on the matter. [18188/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My predecessor recently asked officials, in conjunction with the relevant State bodies, to examine available evidence in relation to the question of trend increases in grade awards at second and third levels. Papers have been prepared in respect of the State Examinations and the higher education sector and are available on my Department’s website. .

With regard to the State Examinations, while there has been a significant increase in the proportions scoring at grade AB and ABC at higher level in the Leaving Certificate between 1992 and 2009, most of the increase took place during the 1990s and grades have largely stabilised since the establishment of the State Examinations Commission (SEC) in 2003.

A range of issues can impact on grading in the certificate exams, including curriculum reform, introduction of second assessment components, investment in professional development for teachers, more exam-oriented teaching, and better information for teachers and students through improved internet access.

The SEC has an extensive range of quality assurance measures in place to ensure the validity and consistency of assessment. These include setting exams in the context of a published set of “Principles and Protocol for Preparation of Test Items”, a manual for drafters and setters of questions and completion of assessment grids for each exam to ensure fair and balanced coverage of the syllabus, the development of a marking scheme to ensure consistency in the marking process, comprehensive training of examiners and advising examiners and publication of marking schemes and the chance for candidates to view their scripts to decide whether to appeal the result.

With regard to higher education, while the available data shows a trend of increasing award classifications in universities and institutes of technology over the last decade, this trend is not necessarily direct evidence of grade inflation. A number of contributory factors need to be considered, including deliberate decisions on assessment standards prompted by external examiner findings which were aimed at aligning Irish standards more closely with international norms. Improved and more explicit assessment methods, with the development of learning outcomes based approaches, and better prepared students are also arguably important factors. However, grade increases in higher education are also argued by some to be indicative of a relaxation of standards and this is a subject of debate across systems internationally.

The question of graduate quality is a wider and more fundamental one that goes beyond the grade inflation issue. In this context, a High Level Group is currently in the process of developing a new National Strategy for Higher Education. Questions around the quality of teaching and learning, the responsiveness of the higher education sector to broader economic and social needs, and the development of a resourcing base for meeting future demand in a manner that safeguards graduate quality are all being considered by the High Level Group, which is expected to finalise its report before the summer.

On the quality assurance front, I am introducing legislation to establish a new qualifications and quality assurance agency. This will bring a unified focus to external quality assurance in higher education, establish a closer link between quality assurance and the standards underpinning awards on the National Framework of Qualifications and provide for thematic quality reviews on a cross-institutional basis.

Redundancy Payments

35. **Deputy Tom Hayes** asked the Minister for Enterprise, Trade and Innovation when redundancy payment will be awarded in respect of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [18417/10]

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary): My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social and Family Affairs. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation.

I can confirm that my Department received a lump sum claim from the employee concerned on 23 April, 2010. This claim is awaiting processing. In respect of lump sum payments paid directly to employees, such as in this instance, the Section is, in general, processing claims dating from September 2009.

The impact on business of the severe economic circumstances currently pertaining has resulted in an unprecedented increase in the level of Redundancy Payment claims lodged with my Department. This has impacted significantly on the capacity to maintain the customer

[Deputy Dara Calleary.]

service targets that previously obtained. The scale of the challenge on the Redundancy side is evident from the statistics that show incoming redundancy claims in 2009 amounted to 77,001 which represents a threefold increase over the level of claims lodged in 2007 and earlier years. In 2007, claims received were of the order of 25,000.

Efforts continue to be made by my Department to deliver more acceptable turnaround processing times for Redundancy payments given the difficulties that this gives rise to for both individual employees and the business community. Measures already taken in the Department in 2009 to alleviate the pressures on the Payments area include:

- almost doubling the number of staff through reassignment to a current level of 52 full time equivalents;
- prioritisation of the Department's overtime budget towards staff in the Section to tackle the backlog outside normal hours;
- establishment of a special call handling facility in NERA to deal with the huge volume of telephone calls from people and businesses concerned about their payments.
- Better quality information relating to current processing times on the Department's website;
- Engagement with the Revenue Commissioners to facilitate the offset of redundancy rebate payments by employers against existing outstanding tax liabilities which those employers owe to the Revenue Commissioners.

The backlog and waiting times remain at unacceptable levels. However, improvements are evident. The number of claims processed and paid by the Redundancy Payments Section in 2009 amounted to 50,664, an increase of 70% over 2008. In the first quarter of 2010, my Department processed 21,122 claims — an increase of over 151% on the previous first quarter in 2009. Claims processed in the month of March 2010 was the highest ever achieved in the Section with 8,168 claims processed in the month. In the year to date, inroads have been made on the backlog of claims on hand, which reduced from 41,168 at the end January 2010 to 37,054 at the end of March 2010.

Responsibility for the payment of redundancy and insolvency payments is due to be transferred to the Department of Social Protection. The intention is to transfer by Government order, the payment functions arising under the Redundancy Payment and Insolvency Payment schemes. In transferring the functions between Departments, it is the intention that this will operate seamlessly and without any adverse impact on the service levels being experienced by individuals or the business community awaiting payment of redundancy claims.

Job Creation

36. **Deputy Joe Carey** asked the Minister for Enterprise, Trade and Innovation the numbers of jobs that have been created in the mid-west region by the Industrial Development Authority in counties Clare, Limerick, and north Tipperary in the past five years; and if he will make a statement on the matter. [18466/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe): In the five year period 2005 to 2009 there were a total of 2,423 IDA supported jobs created in the Mid West region counties of Clare, Limerick and North Tipperary. Details of the number of those jobs created in each of the those counties in each of the years in question is set out in the tabular statement.

In addition, in the same period a total of 2,189 new jobs were created in the Shannon Free Zone. Details of the number of jobs created in the Zone in each of those years are also set out in the statement.

Table showing the number of IDA supported jobs created in Counties Limerick Clare and North Tipperary in each year from 2005 to 2009

| | 2005 | 2006 | 2007 | 2008 | 2009 |
|-----------------|------|------|------|------|------|
| Limerick | 373 | 789 | 288 | 286 | 169 |
| Clare | 134 | 42 | 22 | 139 | 116 |
| North Tipperary | 38 | 5 | 9 | 13 | 0 |

Table showing the number of jobs created in the Shannon Free Zone in each year from 2005 to 2009

| | 2005 | 2006 | 2007 | 2008 | 2009 |
|--------------|------|------|------|------|------|
| Jobs Created | 450 | 549 | 354 | 576 | 260 |

Redundancy Payments

37. **Deputy James Reilly** asked the Minister for Enterprise, Trade and Innovation if a redundancy payment application from the social insurance fund will be prioritised in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [18488/10]

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary): My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social and Family Affairs. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation.

I can confirm that my Department received a lump sum claim for the individual concerned on 26 February 2010. This claim awaits processing. In respect of lump sum payments paid directly to employees, such as in this instance, the Section is, in general, processing claims dating from September 2009. In the interest of fairness and equity to all claimants, claims are dealt with in order of date of receipt.

The impact on business of the severe economic circumstances currently pertaining has resulted in an unprecedented increase in the level of Redundancy Payment claims lodged with my Department. This has impacted significantly on the capacity to maintain the customer service targets that previously obtained. The scale of the challenge on the Redundancy side is evident from the statistics that show incoming redundancy claims in 2009 amounted to 77,001 which represents a threefold increase over the level of claims lodged in 2007 and earlier years. In 2007, claims received were of the order of 25,000.

Efforts continue to be made by my Department to deliver more acceptable turnaround processing times for Redundancy payments given the difficulties that this gives rise to for both individual employees and the business community. Measures already taken in the Department in 2009 to alleviate the pressures on the Payments area include:

- almost doubling the number of staff through reassignment to a current level of 52 full time equivalents;

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- prioritisation of the Department's overtime budget towards staff in the Section to tackle the backlog outside normal hours;
- establishment of a special call handling facility in NERA to deal with the huge volume of telephone calls from people and businesses concerned about their payments.
- Better quality information relating to current processing times on the Department's website;
- Engagement with the Revenue Commissioners to facilitate the offset of redundancy rebate payments by employers against existing outstanding tax liabilities which those employers owe to the Revenue Commissioners.

The backlog and waiting times remain at unacceptable levels. However, improvements are evident. The number of claims processed and paid by the Redundancy Payments Section in 2009 amounted to 50,664, an increase of 70% over 2008. In the first quarter of 2010, my Department processed 21,122 claims — an increase of over 151% on the previous first quarter in 2009. Claims processed in the month of March 2010 was the highest ever achieved in the Section with 8,168 claims processed in the month. In the year to date, inroads have been made on the backlog of claims on hand, which reduced from 41,168 at the end January 2010 to 37,054 at the end of March 2010.

Responsibility for the payment of redundancy and insolvency payments is due to be transferred to the Department of Social Protection. The intention is to transfer by Government order, the payment functions arising under the Redundancy Payment and Insolvency Payment schemes. In transferring the functions between Departments, it is the intention that this will operate seamlessly and without any adverse impact on the service levels being experienced by individuals or the business community awaiting payment of redundancy claims.

State Agencies

38. **Deputy Fergus O'Dowd** asked the Minister for Enterprise, Trade and Innovation further to Parliamentary Question No. 150 of 30 March 2010, if full details are now available. [18548/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe): The basic salary and emoluments granted to the chief executive officer of all of the Agencies under the aegis of my Department are sanctioned by the Department of Finance, and are set out in the table.

| Agency | August 2008 — Non PPC | August 2008 — PPC | September 2008 — Non PPC | September 2008 — PPC |
|--------------------------------------------|-----------------------|-------------------|--------------------------|----------------------|
| | € | € | € | € |
| Competition Authority — <i>Chairperson</i> | 173,216 | 182,333 | 177,547 | 186,891 |
| County Enterprise Boards | 70,043 – 91,736 | N/A | 71,794 – 94,029 | N/A |
| Enterprise Ireland | 206,208 | 217,061 | 211,364 | 222,488 |
| *Fás | 206,208 | 217,061 | 211,364 | 222,488 |
| Forfás | 206,208 | 217,061 | 211,364 | 222,488 |
| Health and Safety Authority | 147,036 | 154,775 | 150,712 | 158,644 |
| IAASA | 126,588 | 133,250 | 129,752 | 136,581 |
| IDA Ireland | 206,208 | 217,061 | 211,364 | 222,488 |

| Agency | August 2008 — Non PPC | August 2008 — PPC | September 2008 — Non PPC | September 2008 — PPC |
|------------------------------------|-----------------------|-------------------|--------------------------|----------------------|
| | € | € | € | € |
| Labour Relations Commission | 164,968 | 173,650 | 177,547 | 186,891 |
| National Consumer Agency | 164,968 | 173,650 | 177,547 | 186,891 |
| NSAI | 147,290 | 155,042 | 150,973 | 158,919 |
| Personal Injuries Assessment Board | 164,968 | 173,650 | 169,091 | 177,991 |
| Science Foundation Ireland | 196,389 | 206,725 | 201,298 | 211,893 |
| SFADCO | 147,290 | 155,042 | 150,973 | 158,919 |

*Responsibility for FÁS transferred to the Department of Education and Skills on 1st May 2010.

In addition to the above, the CEO of Science Foundation Ireland is paid an allowance in the nature of pay on a personal basis (as approved by the Department of Finance) in recognition of his international research experience and expertise.

The CEO's of a number of Agencies under the aegis of my Department are eligible to participate in a Performance Related Award Scheme approved by the Minister for Enterprise, Trade and Employment, with the consent of the Minister for Finance. The Schemes, which are based on the Department of Finance's Guidelines on Performance Related Awards in non-commercial state bodies, provide for a maximum award of 20% of total remuneration. These Performance Related Awards have for the most part been suspended since March 2009.

CEOs of the following agencies under the aegis of my Department have the use or an allowance for the use of a car for official business:

Enterprise Ireland;

Personal Injuries Assessment Board;

Forfás;

NSAI;

IDA Ireland;

SFADCO.

Each CEO is a member of the superannuation scheme of their respective agency.

The issue of a voluntary pay cut is a matter for each post holder. However, in common with all other Public Servants the salaries of the CEO's at each of the agencies under my remit was reduced with effect from 1st January 2010.

Tax Code

39. **Deputy Simon Coveney** asked the Minister for Finance the tax treatment of sales of digital products that only exist in virtual form which are downloaded directly to hardware; and if he will make a statement on the matter. [18385/10]

40. **Deputy Simon Coveney** asked the Minister for Finance if any international tax agreements apply for the sale of virtual goods by foreign companies to consumers here; and if he will make a statement on the matter. [18386/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 39 and 40 together.

[Deputy Brian Lenihan.]

I am advised by the Revenue Commissioners that the sale of virtual goods or digital products by companies may give rise to liabilities to either or both corporation tax and value-added tax (VAT) in the State.

In the case of corporation tax, a company which is resident for tax purposes in the State, or which is carrying on a trade in the State through a branch or agency, is liable to Irish corporation tax on profits derived from the sale by it, or by its branch or agency, of virtual goods or digital products. A company which is not resident in the State for corporation tax purposes, or which is not trading in the State through a branch or agency, has no liability to Irish corporation tax in respect of the sale of such goods or products, even where those goods or products are sold to Irish businesses or consumers.

Insofar as VAT is concerned, the supply of virtual goods or digital products is treated as the supply of a service, specifically an electronic service. Liability to VAT in respect of such services is dependent on whether the company that is supplying the services and the recipient of service is established in Ireland, another EU Member State or outside the EU; and whether the recipient is a business or a private consumer. The various positions are outlined as follows:

Liability to Irish VAT at 21% arises in the case where the company supplying the electronic services is established in Ireland and supplies the services to both businesses and private consumers in the State or to private consumers in other EU Member States. Irish VAT also arises in the case of supplies to Irish businesses by a company established in another Member State or in a country outside the EU, in this case the Irish business must self-account for VAT at 21% on the service under the reverse charge mechanism.

Liability to Irish VAT does not arise in the case of services supplied by an Irish registered business to private consumers resident outside the EU or to businesses located either in another EU Member State or outside the EU. In addition, where a company established in another Member State supplies the services to Irish private consumers, there is no liability to Irish VAT as VAT is accounted in that other Member State at the rate appropriate to that State.

I should note, however, that from 2015 onwards, under EU Council Directive 2008/8/EC, the supply of electronic services by EU registered business to EU consumers will be taxed in the country where the consumer is established and not the country of the supplier as is currently operated as outlined earlier. Suppliers will discharge their VAT obligations using a mini “one stop shop” scheme, which will enable them to fulfil their EU-wide VAT obligations in their home Member State. The VAT revenue from these services will then be transferred from the State of payment to the State where the customer is situated.

As regards the question of whether there are international tax agreements covering the sale of virtual goods by foreign companies to Irish consumers, there are no such agreements. However, EU Council Directive 2002/38/EC of 7 May 2002, which was transposed into Irish law by the Finance Act 2003, provided that where a non-EU business supplies electronically supplied services to a private consumer in any Member State, the place of supply for VAT purposes, and consequently the liability to account for VAT, is the place where the consumer normally resides.

In recognition of the compliance burden and administrative costs for non-EU established businesses to have to register for VAT in every Member State where they provide electronic services to private consumers, a special optional scheme was created which allows the non-EU supplier to choose one Member State in which to register for and pay VAT in respect of supplies to consumers in any Member State. Under this scheme the non-EU registered business continues to charge VAT at the rate applicable in which each consumer resides, however, VAT

returns are only made to the Member State of registration, which then re-distributes the VAT receipts to other Member States in accordance with the amounts due as declared by the supplier.

Tax Collection

41. **Deputy Billy Timmins** asked the Minister for Finance the tax revenue received from a matter (details supplied); and if he will make a statement on the matter. [18453/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the type of income from the source mentioned by the Deputy is aggregated in tax returns with other forms of income and cannot be distinguished in such a way as to provide a basis for compiling the information sought.

It should also be noted that the Revenue Commissioners have an obligation to observe the confidentiality of individual taxpayers and therefore, Revenue may be precluded from providing information on small groups of taxpayers, such as in this case.

State Agencies

42. **Deputy Thomas P. Broughan** asked the Minister for Finance if he will allocate additional funding to the customs services to purchase additional dogs in order to crackdown on the amount of drugs coming into here undetected; and if he will make a statement on the matter. [18481/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that the Customs Service currently deploys 13 detector dog teams at strategic locations throughout the country. The dogs are used to detect drugs, tobacco and cash. Passive dogs are used as this allows for the screening of passengers as well as merchandise and baggage. The detector dog resource is part only of the Commissioners' response to the threat posed by drug smuggling. Intelligence gathering and co-operation at both national and international levels are also vitally important.

In keeping with their commitment to the Government's National Drug Strategy, the Commissioners have considerably enhanced their drug detection capability in recent years on a number of fronts. In respect of detector dog teams alone, the number of these has been increased from 6 in 1993, to 9 in 2003 and now stands at 13. They have also deployed two Revenue Customs Cutters and two mobile X-Ray scanning machines. This represents a considerable investment on the part of the State in the Customs Service in the fight against drug smuggling.

The Commissioners have advised me that the complement of detector dogs will be reviewed regularly as part of the ongoing process of risk assessment and resource allocation within the Office.

Public Sector Staff

43. **Deputy Arthur Morgan** asked the Minister for Finance the proposed reduction, by sector, in public sector numbers targeted in the draft public service agreement. [18499/10]

Minister for Finance (Deputy Brian Lenihan): The draft Public Service Agreement, which is subject to ratification by the relevant public service trade unions, notes that reductions in public service staff numbers, along with a range of other initiatives in the area of revised work practices, redeployment etc., could contribute to a more efficient public service, and facilitate the Government's core objective of restoring the public finances to a sustainable position.

[Deputy Brian Lenihan.]

This approach is fully in line with the Government's multi-year fiscal consolidation strategy as set out in Budget 2010. In that context, and in particular in the Stability Programme Update of December 2009, the Government indicated the move to a new, more rigorous approach to controlling public service numbers, centring upon the establishment of an agreed annual numbers ceilings, to be managed in accordance with Employment Control Frameworks for each Ministerial Vote Group.

Specifically, the Government intends that overall Public Service numbers should be brought down over the period 2009-2012 broken down as indicated on a sectoral basis in the table.

| Functional Classification | Projected End – March 2009 | Project End 2012 – Ceilings | Difference |
|---------------------------|----------------------------|-----------------------------|------------|
| Total Staff | 319,235 | 306,191 | -13,044 |
| Civil Service | 39,121 | 36,595 | -2,526 |
| Health Sector | 111,800 | 106,060 | -5,740 |
| Education | 94,757 | 94,754 | -3 |
| Justice | 15,677 | 14,746 | -931 |
| Defence | 11,169 | 10,706 | -463 |
| Local Authorities | 34,178 | 32,150 | -2,028 |
| NCSSBs | 12,533 | 11,179 | -1,354 |

Note: Staff numbers are whole-time equivalents.

The precise ceilings in each area are subject to further Government consideration in certain cases and are, as always, subject to any future Government policy decisions and priorities in regard to public service provision.

National Asset Management Agency

44. **Deputy Phil Hogan** asked the Minister for Finance the properties in counties Waterford, Kilkenny and Carlow that have been transferred in the National Asset Management Agency; and if he will make a statement on the matter. [18515/10]

Minister for Finance (Deputy Brian Lenihan): NAMA does not purchase property directly. NAMA purchases eligible loans from participating institutions and manages these loans with the intention of generating the best possible return for the taxpayer.

NAMA has the power to enforce security where a borrower whose loan has been transferred is in default. I am advised that to date there has not been enforcement of security by NAMA in respect of any loan.

Departmental Correspondence

45. **Deputy Róisín Shortall** asked the Minister for Finance when a document will be issued to a person (details supplied) in County Wexford. [18523/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that they are in the process of examining the case and are awaiting a response from the solicitor acting on behalf of the persons concerned to a request for sight of the deed and other documentation.

Disabled Drivers

46. **Deputy Michael Ring** asked the Minister for Finance when a person (details supplied) in County Mayo will be given approval to purchase a new vehicle under the disabled driver-disabled passenger tax relief scheme in view of the fact that their application was submitted to the Revenue Commissioners on 1 March 2010. [18529/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that an application form (DD1) was received in the Central Repayments Office, Monaghan from the named person on 2nd March 2010. The restriction date on the disposal of this applicant's previous vehicle is 8th May 2010. This restriction date appears on the Vehicle Registration Certificate. The policy is to issue the Letter of Authorisation, for the purchase of the new vehicle, 2 days prior to the date that the previous vehicle may be disposed of, as the Letter of Authorisation is valid from the date of issue. This Letter of Authorisation was issued on 5th May 2010.

Departmental Correspondence

47. **Deputy Seán Ó Fearghail** asked the Minister for Finance his views on correspondence (details supplied); and if he will make a statement on the matter. [18541/10]

Minister for Finance (Deputy Brian Lenihan): I have received the attached correspondence which deals with a number of matters in relation to the application of VAT to services provided by public bodies including local authorities.

I would like to point out in regard to deferring the implementation date of applying VAT on services provided by public bodies, that the European Court of Justice ruled, in the case C-544/07 against Ireland on 16 July 2009, that Ireland should amend its VAT legislation to provide that State and public bodies are in general subject to VAT. This case goes back to 2004 when infringement proceedings were taken by the European Commission against Ireland. Given the time that has passed since the Court's Judgement, and since the commencement of the case, it is imperative that the VAT implementation takes place as soon as possible. 1 July 2010 was chosen as the date of implementation of VAT in this regard in order to allow time to process the relevant legislation and for State and public bodies, including local authorities, to prepare for the change to their administrative systems. Indeed, since the Judgement issued the European Commission have corresponded with us on a number of occasions seeking updates on our progress as regards its implementation and we have informed them of the recent enactment of the Finance Act 2010. Consequently, in the circumstances any deferral of the implementation date is not at this stage realistically feasible.

Under the EU VAT Directive, treating local authorities and State bodies as not-for-profit organisations is not possible. The Directive provides distinct and separate regulation for not-for-profit bodies and State bodies, including local authorities. It is not possible to exempt from VAT any activity of a State body, including a local authority, or indeed any other business, simply because it is not making a profit.

The Revenue Commissioners are proceeding with implementing the new regime and liaising where possible with local authorities to ensure transition to the new VAT arrangements. While it is accepted that there may be initial teething problems, it is expected, as in the case of all tax legislation, that the State and public bodies comply with the new VAT rules from 1 July 2010.

Departmental Expenditure

48. **Deputy Andrew Doyle** asked the Minister for Health and Children the number of

[Deputy Andrew Doyle.]

Government run canteens operating in Government buildings in her Department and its agencies; the number of commercially run cafes or restaurants operating in Government buildings and in her Department and agencies; if there is a policy in her Department and its agencies to source the food served in the food outlet locally; and if she will make a statement on the matter. [18383/10]

Minister for Health and Children (Deputy Mary Harney): There is one commercially run restaurant operating in my Department's headquarters, Hawkins House. The company source food largely from Irish Companies and the beef used is 100% traceable to the farm from which it was sourced. The company has implemented and maintains a quality management system to the standard of ISO 9001:2008. The position regarding the agencies is a matter for the agencies them selves. My Department is requesting them to reply directly to the Deputy in this regard.

Health Services

49. **Deputy Dinny McGinley** asked the Minister for Health and Children if there are plans to rationalise the Now Doc service in the western and north western regions; the implications, if any, for centres such as Gweedore, Mountcharles and other Now Doc locations in County Donegal; and if she will make a statement on the matter. [18395/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospitals Building Programme

50. **Deputy Joe Carey** asked the Minister for Health and Children the position regarding the promised capital re-development of Ennis General Hospital, County Clare; when the project will commence and be completed; and if she will make a statement on the matter. [18467/10]

51. **Deputy Joe Carey** asked the Minister for Health and Children the services and staffing levels that will be available in Ennis General Hospital, County Clare, on completion of the promised capital re-development; and if she will make a statement on the matter. [18468/10]

52. **Deputy Joe Carey** asked the Minister for Health and Children the role she envisages for Ennis General Hospital, County Clare, into the future; if it will continue to be regarded as an acute medical hospital; if the intensive care and high dependency unit will be maintained together with associated anaesthetic cover; and if she will make a statement on the matter. [18471/10]

Minister for Health and Children (Deputy Mary Harney): I propose to take Questions Nos. 50 to 52, inclusive, together.

The HSE has made significant progress on reconfiguring acute hospital and related services in the Mid West region informed by the Teamwork/Horwath Report and the Health Information and Quality Authority Report on Ennis, which was published in April 2009. These Reports highlighted the need for changes to be made in the organisation and provision of acute hospital services across the Mid West region as they found services there to be too fragmented, to carry increased risks for patients and staff and to be unsustainable in their present form.

The reconfiguration of services in the Mid-West Region has involved the cessation of 24-hour Accident and Emergency services at Ennis and Nenagh and the transfer of all planned

and emergency in-patient surgery from the two hospitals to Limerick Regional Hospital. Ambulance and paramedic services in Clare and North Tipperary have been enhanced. Ennis and Nenagh hospitals now provide an urgent care/minor injuries service for 12 hours a day as part of a regional Accident and Emergency structure. These hospitals also now undertake an expanded range of day case surgery and diagnostic work.

The HSE's draft capital plan is currently under consideration and details of capital projects will be made available when the plan has been approved. As the Deputy will be aware, plans for services at individual hospitals, or regional networks of hospitals, are drawn up and implemented by the HSE, subject to overall Government policy, including policy on patient safety and quality care. I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Departmental Properties

53. **Deputy James Bannon** asked the Minister for Health and Children if her attention has been drawn to the fact that the Health Service Executive is to be permitted to construct a primary care centre and HSE offices for Longford at Ballyminion, Farranyoogan, County Longford in the River Camlin flood plain area opposite Flancare industrial area, while there are many other locations in Longford town, such as the Axis centre, on an elevated site, which would be more suitable; and if she will make a statement on the matter. [18476/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Adoption Services

54. **Deputy Joe Carey** asked the Minister for Health and Children if he will intervene in and resolve the case of a person (details supplied) in County Clare; and if she will make a statement on the matter. [18493/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): It remains my intention to assist 20 named applicants to complete intercountry adoptions in respect of children from Vietnam on an exceptional basis and insofar as it is practicable in law. In communicating the decision to suspend the bilateral negotiations the Irish Government asked the Vietnamese Government whether it will be possible to proceed with these adoptions. The Vietnamese response was not definitive. The Government is attempting to put in place a mechanism in respect of these 20 applicants that safeguards against recent concerns raised in relation to intercountry adoption in Vietnam.

Hospital Accommodation

55. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter (details supplied). [18501/10]

Minister for Health and Children (Deputy Mary Harney): A new ward block to replace existing accommodation is being developed at the hospital. This facility will provide single room en-suite in-patient accommodation (100 rooms) and a dedicated day unit for people with CF, including 10 single day treatment rooms with en-suite sanitary facilities. . It is estimated that the construction, equipping and commissioning of this block will take approximately 18

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months. The aim is to have this new facility operational as soon as possible in 2011. Clinical and infrastructural needs at St. Vincent's will determine the configuration of beds across various specialties. There has been no upper limit placed by the hospital or the HSE on the allocation of beds to a particular specialty.

Long-Term Illness Scheme

56. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding the case of a person (details supplied) in County Wicklow; if, in view of the medical circumstances their request will can be included it view of the fact that it is a new drug to enable them to continue this treatment which is working for them; and if she will make a statement on the matter. [18506/10]

Minister for Health and Children (Deputy Mary Harney): Under the Long Term Illness (LTI) Scheme patients suffering from a prescribed disease or disability of a permanent or long-term nature are provided with drugs, medicines or medical and surgical appliances for the treatment of that disease or disability. I understand that the drug referred to by the Deputy is not required in the treatment of the person's qualifying illness under the LTI scheme; therefore, the drug is not available under that scheme. However, the person may have the drug dispensed under the General Medical Services Scheme, if she has a medical card, or the Drugs Payment Scheme. The Drugs Payment Scheme ensures that an individual or family will not pay more than €120 per month for their prescribed drugs and medicines.

Health Services

57. **Deputy Dan Neville** asked the Minister for Health and Children the position regarding the case of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [18507/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Adoption Services

58. **Deputy Liz McManus** asked the Minister for Health and Children the position regarding the group of 20 couples who are in the process of adopting a child from Vietnam; the reason there has been a delay of one year to fulfil the commitment to process the applications of this group of 20 couples; if her attention has been drawn to the fact that Vietnam will be closing all adoptions in June 2010; if she will act swiftly to ensure the successful resolution of these 20 applications; and if she will make a statement on the matter. [18517/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): It remains my intention to assist 20 named applicants to complete intercountry adoptions in respect of children from Vietnam on an exceptional basis and insofar as it is practicable in law. In communicating the decision to suspend the bilateral negotiations the Irish Government asked the Vietnamese Government whether it will be possible to proceed with these adoptions. The Vietnamese response was not definitive. The Government is attempting to put in place a mechanism in respect of these 20 applicants that safeguards against recent concerns raised in relation to intercountry adoption in Vietnam.

In response to recent concerns that Vietnam may be considering a suspension of intercountry adoptions prior to the ratification of the Hague Convention, our Embassy in Vietnam clarified the position with officials of the Ministry of Justice in Vietnam. The Vietnamese authorities have advised that no suspension is planned.

Mental Health Services

59. **Deputy Richard Bruton** asked the Minister for Health and Children her views on the calls of an association (details supplied) to provide age appropriate mental health services for children and in particular to end the use of adult in-patient facilities for children, to develop adolescent community mental health teams, and to establish a national directory of services; and if she will make a statement on the matter. [18518/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): The development of Child and Adolescent Mental Health Services (CAMHS) is a priority for the HSE. There are now 55 consultant led child and adolescent teams in place throughout the country and a further 8 teams are in development. During 2009 the bed capacity for children and adolescents almost doubled, bringing the total number of in-patient beds to 30. Construction is almost complete on two purpose built 20-bed units in Cork and Galway and work commenced recently on the Linn Dara Child and Adolescent Facility at Cherry Orchard, which will provide a day hospital as well as accommodation for mental health teams, administrative staff and training and library facilities.

In October 2009, the HSE launched the first annual report on CAMHS which provides comprehensive data on activity in the CAMHS services. The HSE now has baseline information which can be built on to improve performance and to assist in decisions regarding how mental health services are developed into the future. The appointment by the HSE of an Assistant National Director as national lead on Mental Health in November, 2009, is key to ensuring that the delivery of mental health services is in line with legislation and Government policy.

With regard to the admission of children to adult units, the position is that in June 2009 the Mental Health Commission issued an addendum to the code of practice relating to the admission of children under the Mental Health Act 2001 which provides that. No child under 16 years is to be admitted to an adult unit in an approved centre from 1st July 2009; No child under 17 years is to be admitted to an adult unit in an approved centre from 1st December 2010; and No child under 18 years is to be admitted to an adult unit in an approved centre from 1st December 2011. If, in exceptional circumstances, the admission of a child to an adult unit in an approved centre occurs, the approved centre is obliged to submit a detailed report to the Mental Health Commission outlining why the admission has taken place.

Public Hygiene

60. **Deputy Noel Ahern** asked the Minister for Health and Children if there are health regulations governing the practice of spitting in public on the street; if so, the way in which same is enforced and if it is enforced by environmental health inspectors or other; and if details of any enforcement action under her Department will be provided to this Deputy; and if she will make a statement on the matter. [18534/10]

Minister for Health and Children (Deputy Mary Harney): There are no health regulations regarding spitting in public. Serious respiratory illnesses can be spread by coughing, sneezing and unclean hands. During the pandemic flu crisis, great emphasis was placed on respiratory hygiene and a public information campaign utilising the slogan ‘catch it, bin it, kill it’ was undertaken to encourage the public to practice correct respiratory and hand hygiene practices

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when coughing and sneezing in order to prevent the spread of disease. I would encourage members of the public to continue to follow this advice and avoid spitting in public.

Hospital Procedures

61. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding an application for a surgical procedure in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [18550/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Hospital Services

62. **Deputy Charlie O'Connor** asked the Minister for Health and Children if she will make a statement on the completion of the review of X-rays at Tallaght Hospital, Dublin 24; if she will give assurances that action continues to be taken to restore confidence in the hospital and reassure patients and their families; and if she will make a statement on the matter. [18559/10]

Minister for Health and Children (Deputy Mary Harney): I welcome the completion of the process of reading and reporting on x-rays that were previously not read by consultant radiologists at the Adelaide and Meath Hospital incorporating the National Children's Hospital. No further delayed diagnoses were found other than the two initially identified. I am confident that the hospital is continuing to address the issues that arose in a way that will enhance confidence in the Hospital and thus reassure patients and their families.

The HSE announced on 18th March 2010 that Dr Maurice Hayes had agreed to chair a Review commissioned by Professor Drumm into the delay in reporting radiological examinations and the management of GP referral letters at the Adelaide and Meath Hospital, incorporating the National Children's Hospital.

This review is continuing and it would be inappropriate for me to make any further comment on the matters under review until such time as the review team has completed its report.

Hospital Procedures

63. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a surgical procedure will be offered to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [18617/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Medical Cards

64. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [18618/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Health Services

65. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Question No. 135 of 24 February 2010, when a reply will issue from the Health Service Executive. [18622/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

66. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Question No. 105 of 4 November 2009, when a reply will issue from the Health Service Executive. [18623/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

67. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Question No. 145 of 12 November 2009, when a reply will issue from the Health Service Executive. [18624/10]

Minister for Health and Children (Deputy Mary Harney): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

68. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Question No. 69 of 25 February 2010, when a reply will issue from the Health Service Executive. [18625/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

69. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Questions Nos. 70 and 71 of 25 February 2010, when a reply will issue from the Health Service Executive. [18626/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I wish to advise the Deputy that due to industrial action affecting the Health Service Executive it is not possible for the Executive to supply the information requested. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

70. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the extent and frequency of school medical examination on a county basis in each of the past five years to date in 2010; the extent and nature of the diagnosis and follow up arising therefrom; and if she will make a statement on the matter. [18627/10]

Minister for Health and Children (Deputy Mary Harney): I regret that due to industrial action I am not in a position to provide a substantive response to your Parliamentary Question. If this matter remains of continuing concern to you, however, I would invite you to raise it with me again in due course.

Pension Provisions

71. **Deputy Willie O’Dea** asked the Minister for Transport if his attention has been drawn to a reply to a parliamentary question in Dáil Éireann on 5 July 1973 (details supplied); the reason this commitment has not been adhered to; the steps he will take to alleviate the hardship which Aer Rianta pensioners who are suffering as a result of that commitment not being adhered to. [18391/10]

Minister for Transport (Deputy Noel Dempsey): The superannuation issues raised by the Deputy have been examined in my Department on a number of occasions and the conclusion has always been that Aer Rianta (now Dublin Airport Authority) has complied with its obligations with regard to pension entitlements for its retired staff. My Department referred the issues to the Office of the Attorney General for advice in 2009. This advice confirms that Aer Rianta has complied with its superannuation obligations in accordance with the terms agreed at the time when staff accepted a contract of employment with Aer Rianta in 1974.

State Airports

72. **Deputy Pat Breen** asked the Minister for Transport when he expects the Lynxs cargo project at Shannon Airport to commence; and if he will make a statement on the matter. [18461/10]

73. **Deputy Pat Breen** asked the Minister for Transport further to Question No. 230 of 27 April 2010 the discussions he has had with the US authorities on the provision of US preclearance for air freight at Shannon Airport; and if he will make a statement on the matter. [18462/10]

74. **Deputy Pat Breen** asked the Minister for Transport the steps he is taking to assist Shannon Airport to deal with the decline in passenger traffic; and if he will make a statement on the matter. [18465/10]

75. **Deputy Joe Carey** asked the Minister for Transport his plans to address the 15% decline in passengers numbers through Shannon Airport in 2009; the supports that he will offer Shannon Airport to develop new passenger and cargo business; and if he will make a statement on the matter. [18475/10]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 72 to 75, inclusive, together.

As the Deputies will be aware the Ireland-U.S. Preclearance Agreement signed by myself and the then U.S. Secretary of Homeland Security Michael Chertoff, on 17 November 2008, does not provide for the preclearance of cargo. However, this is an issue that I raised with Secretary Chertoff at the time and later with his successor Janet Napolitano. Both were recep-

tive to the opening of discussions on cargo preclearance from Ireland, once we had fully established passenger preclearance. As the Deputies will know passenger preclearance is already in operation at Shannon and is due to commence later this year in Dublin Airport with the opening of Terminal 2.

When passenger preclearance is fully established at both Airports I will consider the possibility of approaching the U.S. Authorities about cargo preclearance.

In 2009 the DAA concluded a memorandum of understanding with the Lynx Group, a global airport cargo facility company, to explore jointly the feasibility of developing a major cargo facility at Shannon Airport. The DAA's evaluation of the business case for the project has been received in my Department and is currently under consideration. The DAA has to operate to a commercial mandate and it does not have access to unlimited funds to undertake capital investment. Consideration of the best way to support the project will take account of the extent of potential investment by the DAA on foot of its evaluation of the business case and any support that could be provided by the State subject to compliance with EU state aid rules.

I am of course very conscious that Shannon Airport is going through challenging times in dealing with the downturn in the aviation sector that is having a negative impact on passenger throughput in the airport. As part of its commercial remit, the Shannon Airport Authority, in conjunction with the Dublin Airport Authority is responsible for addressing this issue. I have no specific responsibility for this matter but I know that both bodies are very proactive in this regard and that incentives are in place to encourage more traffic to and from the airport.

EU Funding

76. **Deputy Thomas P. Broughan** asked the Minister for Transport the extent of EU funding received for the provision of road, rail, air and seaport transport facilities or installations in each of the past three years and to date in 2010; and if he will make a statement on the matter. [18482/10]

Minister for Transport (Deputy Noel Dempsey): The information requested by the Deputy is being compiled and will be forwarded as soon as possible.

Garda Operations

77. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if Operation Slope is still active; the number of persons arrested and charged to date; the number of gardaí involved; and if he will make a statement on the matter. [18483/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): Operation Slope is an initiative to identify and tackle organised criminal gangs involved in the theft of ATM machines. It commenced in July 2009 and remains an active Garda operation involving a number of specialist Garda units, along with local personnel where incidents have occurred.

To date over 53 persons have been arrested. Incidents of thefts of ATM machines remain under active investigation and Investigation Files will be prepared for the Law Officers where this is considered appropriate.

78. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if Operation Creeper is still active; the number of persons arrested and charged to date; the number of gardaí involved; and if he will make a statement on the matter. [18484/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that the initiative referred to by the Deputy was introduced in January,

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2010 by the Assistant Commissioner, Dublin Metropolitan Region (DMR) in response to an increase in the number of burglary incidents recorded across the Garda Divisions comprising the DMR.

The main objective of this initiative is primarily, but not exclusively, to target those suspected of committing burglaries and the investigation and detection of such incidents, with particular emphasis in the DMR Northern, Southern and Western Garda Divisions.

An Inspector is tasked with the day-to-day running of the initiative which includes monitoring crime trends and coordinating resources. Four Sergeants and fourteen Gardaí have been allocated to the initiative from within the DMR.

I am also informed that since the initiative was put in place 45 persons have been arrested for burglary and other theft related offences, 40 of whom have been charged with related offences. Investigations are ongoing in respect of the remaining persons and, on completion, investigation files will be submitted to the Law Officers.

This initiative is continuing and is being closely monitored by senior Garda management.

79. **Deputy Thomas P. Broughan** asked the Minister for Justice, Equality and Law Reform if Operation Hybrid is still active; the number of persons arrested and charged to date; the number of gardaí involved; and if he will make a statement on the matter. [18485/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have requested a report from the Garda authorities in relation to the matter referred to by the Deputy. I will contact the Deputy again when the report is to hand.

Citizenship Applications

80. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if an application for naturalisation in respect of a person (details supplied) in County Limerick will be processed without further delay. [18413/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in November 2008.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Additional resources have been allocated to the Citizenship Division of my Department in order to reduce backlogs and provide a better quality service to all applicants. This has had a positive impact on processing times and has enabled certain categories of applicant to be dealt with more expeditiously. These include refugees, spouses of Irish citizens and minors. Officials in the Citizenship Division inform me that processing of the application is at an advanced stage and the file will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

81. **Deputy Dan Neville** asked the Minister for Justice, Equality and Law Reform if an application for naturalisation will be processed in respect of a person (details supplied) in County Limerick. [18426/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the first named person referred to in the Deputy's Question was received in the Citizenship Division of my Department in February 2008. Officials in the Citizenship Division inform me that processing of the application is in the final stages and the file will be submitted to me for a decision in the near future.

A valid application for a certificate of naturalisation from the second named person referred to in the Deputy's Question was received in the Citizenship Division of my Department in November 2008.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

82. **Deputy Ulick Burke** asked the Minister for Justice, Equality and Law Reform the reason for the delay in processing an application in respect of a person (details supplied) in County Limerick who applied for naturalisation in 2008; and if he will make a statement on the matter. [18454/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in October 2008.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. However, I understand that the person concerned is a refugee. In accordance with the Government's obligations under the United Nations Convention relating to the Status of Refugees, every effort is made to ensure that applications from persons with refugee status are dealt with as quickly as possible. Officials in the Citizenship Division inform me that processing of the application is at an advanced stage and the file will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

83. **Deputy Ulick Burke** asked the Minister for Justice, Equality and Law Reform the reason for the delay in processing a citizenship application (details supplied) in County Galway who applied for naturalisation in 2009; and if he will make a statement on the matter. [18455/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): An application from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in March 2009.

The Irish Nationality and Citizenship Act, 1956, as amended, provides that the Minister may, in his absolute discretion, grant an application for a certificate of naturalisation provided certain statutory conditions are fulfilled. One such condition is that the person in question intends in good faith to continue to reside in the State after naturalisation. In the application submitted, the person concerned answered Question 6.1 by stating that she did not intend to reside in the State after naturalisation, therefore she does not comply with this condition.

Consequently, the Citizenship Division of my Department have deemed her application ineligible. The person in question was informed of this decision in a letter issued to her on 10 March, 2009.

It is open to the person in question to re-submit the application to the Citizenship Division of my Department at any time.

Closed Circuit Television Systems

84. **Deputy Enda Kenny** asked the Minister for Justice, Equality and Law Reform the position regarding approval of a closed circuit television system for Ballina town centre, County Mayo; and if he will make a statement on the matter. [18494/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Community-based CCTV Scheme was launched in 2005 to provide financial assistance towards the capital costs of establishing a community CCTV system. The scheme also provides for pre-development (Stage 1) grants of up to €5,000 to enable potential applicants to investigate the need for CCTV in their area and to complete a detailed proposal. To date there have been two major rounds of this Scheme, in 2005 and 2007.

I am advised by Pobal, which administers the Scheme on behalf of my Department, that a Stage 1 grant of €5,000 was awarded to an organisation in Ballina in 2006 and that an application for Stage 2 funding was subsequently received in 2007. Following a thorough assessment of the application it was deemed not to have met a number of the qualifying criteria and was therefore not approved for funding. I am further advised that relevant feedback was provided to the unsuccessful applicant by Pobal in January 2008.

Child Abduction

85. **Deputy Charles Flanagan** asked the Minister for Justice, Equality and Law Reform his views on the concept of a Europe-wide hotline for missing children; if such an arrangement is envisaged for this country; and if he will make a statement on the matter. [18498/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I am informed that the telephone number to which the Deputy refers has been reserved by the European Commission as a common missing children telephone hotline for the entire EU. It is made available by national telecoms regulators to organisations capable of providing such a service. This is therefore a matter primarily for the Department of Communications, Energy and Natural Resources and the Commission for Communications Regulation (ComReg).

The Deputy may wish to note that following my request to the Garda Síochána Inspectorate to assess the need to establish a dedicated Missing Persons Unit within An Garda Síochána, including a response similar to Amber Alert, and to report their findings to me, the Inspectorate published its report last year. One of its main recommendations was that an emergency alert

system for missing children, similar to the Amber Alert system in place in other countries, should be established.

I gave the go ahead for the implementation of this recommendation. An Garda Síochána is committed to its implementation, and they are currently exploring options to achieve the most appropriate structure to give effect to the recommendation, taking account of progress at international level in the development of alert systems for missing children.

Citizenship Applications

86. **Deputy Finian McGrath** asked the Minister for Justice, Equality and Law Reform if he will support the case of a person (details supplied) in Dublin 5. [18520/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): I have been informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy made an application for residency on 1 March 2010, on the basis of their de facto relationship with an Irish citizen. Residency in the State based on being the partner of an Irish citizen is generally granted to persons who (1) are legally resident in the State and (2) who have supplied sufficient documentary evidence that their relationship has been of at least two years duration.

As this person had resided and worked in the State since 2001 without having obtained the appropriate permission to do so as required under our immigration laws, permission to remain on that basis was refused.

However, following full consideration of this person's particular case it was decided to grant her stamp 3 permission to remain in the State and the person in question was informed of this by letter dated 8 March 2010. She was also advised of the need to obtain a work permit should she intend to take up employment in the State

87. **Deputy Pat Breen** asked the Minister for Justice, Equality and Law Reform the position regarding an application for a certificate of naturalisation in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [18542/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in June 2008.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale. Officials in the Citizenship Division inform me that processing of the application has commenced and the file will be submitted to me for a decision in due course.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria.

Garda Vetting

88. **Deputy Billy Timmins** asked the Minister for Justice, Equality and Law Reform the

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position regarding Garda clearance in respect of a person (details supplied) in County Wicklow; if their application will be processed; and if he will make a statement on the matter. [18567/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The Garda Central Vetting Unit (GCVU) provides employment vetting for a large number of organisations in Ireland registered with the Gardaí for this purpose and which employ persons in a full-time, part-time, voluntary or training capacity to positions where they would have substantial, unsupervised access to children and/or vulnerable adults.

I am informed by the Garda Authorities that a vetting application in respect of the person referred to was received by the Garda Central Vetting Unit on 24 March 2010. The application is being processed at present and a response will issue in due course.

Citizenship Applications

89. **Deputy Bernard J. Durkan** asked the Minister for Justice, Equality and Law Reform further to Parliamentary Question No. 150 of 11 February 2010 the position regarding an application for residency or citizenship; and if he will make a statement on the matter. [18614/10]

Minister for Justice, Equality and Law Reform (Deputy Dermot Ahern): The person concerned has had his leave to remain in the State renewed for a further three year period, to 18 April 2013. This decision was conveyed in writing to the person concerned by letter dated 19 April 2010.

Passport Applications

90. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs the position regarding a passport application in respect of persons (details supplied); and if he will ensure that the necessary paper work is passed to consulate officials. [18464/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Passports for two of the persons named were sent to the Irish Consulate in San Francisco by Diplomatic Courier on 22 April, 2010 and the third passport was sent on 29 April, 2010.

91. **Deputy James Reilly** asked the Minister for Foreign Affairs the position regarding an application for a passport in respect of a person (details supplied) in County Dublin; and if he expects that this person will have their passport in time to allow them to travel on 15 May 2010; and if he will make a statement on the matter. [18525/10]

Minister for Foreign Affairs (Deputy Micheál Martin): A passport application for the named person was registered with the Passport Office in Balbriggan on 14 April, 2010. As a direct result of industrial action, significant arrears of passport applications have arisen within the passport service. Every effort is being made to reduce the waiting time for applications, pending the resolution of the industrial action which is preventing the recruitment of temporary staff to address the seasonal surge in demand for passports.

Applications, other than those that are prioritised on the basis of demonstrable urgent humanitarian need, are being processed on a first come first served basis. It is presently taking up to twenty working days to process applications received through the Swiftpost system. At this rate, while I am unable to give an absolute guarantee because of the ongoing industrial

action, the application in question is likely to be processed in time to allow the person concerned to collect their passport prior to travel. The Passport Service will be in contact with the person concerned in due course.

Overseas Development Aid

92. **Deputy John Deasy** asked the Minister for Foreign Affairs if a charitable organisation (details supplied) received funding from Irish Aid or other State agencies; the amount of such funding each year from 2000 to date in 2010; and if he will make a statement on the matter. [18563/10]

93. **Deputy John Deasy** asked the Minister for Foreign Affairs if a charitable organisation (details supplied) has returned any funding received from Irish Aid or other State agencies; the amount of such funding returned; and if he will make a statement on the matter. [18564/10]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): I propose to take Questions Nos. 92 and 93 together.

Co-operation with development Non-Governmental Organisations (NGOs) is a key element in the Government's aid programme, which is managed by Irish Aid in the Department of Foreign Affairs. The overarching goal of the aid programme is to contribute to the reduction and eventual eradication of global poverty and hunger. In this effort, we attach great importance to the role Irish NGOs are playing internationally in promoting good governance, transparency and accountability. It is clearly essential that the organisations involved must themselves operate at all times to the highest standards.

The International Community for Relief of Starvation and Suffering (ICROSS) was founded in Kenya in 1978 by a number of doctors from the Royal College of Surgeons in Ireland. ICROSS Ireland was established in 1979 as a funding centre for ICROSS Kenya. There has been considerable media coverage in recent weeks of allegations about the operation of the charity ICROSS Kenya. Since 2000, Irish Aid has provided a total of €453,788 to ICROSS Ireland for four health care and HIV and AIDS projects in Kenya, implemented by ICROSS Kenya. The breakdown of the funding provided is as follows:

2000 — €69,836, 2002 — €20,000, 2004 — €137,988 2005 — €225,964

Following allegations of mismanagement within ICROSS in Kenya in 2006, Irish Aid carried out an investigation and sought additional detailed financial statements from ICROSS Ireland. As is normal practice during such investigations, Irish Aid suspended funding to ICROSS Ireland. A team from the Irish Aid Evaluation and Audit unit examined the financial statements in detail and travelled to Kenya in 2007 to carry out an audit and governance review.

The Evaluation and Audit unit were unable to establish assurance and verification of appropriate spending for the amount of €97,000 from the total allocations from Irish Aid to the charity. As a result, Irish Aid requested and received from ICROSS Ireland a full reimbursement of this amount. No further funding has been provided to ICROSS, which has not implemented a set of recommendations made by Irish Aid to improve governance and financial oversight at the charity.

I want to assure the Deputy that any allegation of the misuse of public funds is taken very seriously by Irish Aid. All allegations are fully investigated and appropriate actions taken to ensure that funds are either fully accounted for or recovered as necessary. Irish Aid has a code of practice for dealing with suspected fraud in partner organisations which is acted upon

[Deputy Peter Power.]

immediately. The Irish development NGOs have a very strong and well-earned reputation internationally for their professionalism and their effectiveness. The situation at ICROSS is extremely disappointing, but I want to emphasise that it is not reflective of the operation of Irish NGOs more generally.

Sports Funding

94. **Deputy Dinny McGinley** asked the Minister for Tourism, Culture and Sport if an application for national lottery funding of other funding has been received from an organisation (details supplied) in respect of a project; when the application was received; if a grant has been approved; when this approval was sanctioned; if any moneys have been paid to date and if so, the amount; the stage to which the work at the project has progressed; and when is it planned that the project will be completed. [18393/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): The club in question applied for funding under the 2007 and 2008 Sports Capital Programmes. These eligible applications were assessed and received grant funding under the programme of €750,000 in 2007 and €500,000 in 2008. These provisional allocations were made towards the new stadium in Stranorlar. The club was also successful under the 1999 programme and received a grant of €190,461 for Finn Park.

These grant allocations are subject to the terms and conditions of the Programme, which include the execution of a Deed of Covenant and Charge. A Deed provides, *inter alia*, for a refund of the grant in the event of the facility not continuing to be used for the purpose for which the grant was allocated. The Department's legal adviser, the Chief State Solicitor's Office (CSSO), deals with the grantee's solicitor in executing this Deed. The club is awaiting a copy of their stamped lease to be returned from the Revenue Commissioners which will be forwarded to the CSSO in order to place a charge on it.

I understand that the contractor has completed some provisional site works and drainage and hopes to be back on site as soon as legalities are completed. As soon as these legalities are finalised and upon receipt of a valid tax clearance certificate from the organisation, my Department will be in a position to make a payment of almost €125k on foot of invoices already submitted by the organisation which have been examined and certified by the Department's technical advisers, the OPW.

Sports Capital Programme

95. **Deputy John O'Mahony** asked the Minister for Tourism, Culture and Sport the number of applications approved under the sports capital programme for 2004, 2005, 2006, 2007 and 2008 on a county basis in tabular form; and if she will make a statement on the matter. [18561/10]

96. **Deputy John O'Mahony** asked the Minister for Tourism, Culture and Sport the number of applications made under the sports capital programme for 2004, 2005, 2006, 2007 and 2008 on a county basis in tabular form; and if she will make a statement on the matter. [18562/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): I propose to take Questions Nos. 95 and 96 together.

The information requested by the Deputy is set out in the table.

| County | 2004 | | 2005 | | 2006 | | 2007 | | 2008 | |
|-----------|-------|--------|-------|--------|-------|--------|-------|--------|-------|--------|
| | Apps | Grants | Apps | Grants | Apps. | Grants | Apps | Grants | Apps | Grants |
| Carlow | 16 | 12 | 22 | 11 | 16 | 9 | 22 | 13 | 19 | 9 |
| Cavan | 25 | 15 | 20 | 11 | 26 | 17 | 33 | 24 | 22 | 8 |
| Clare | 25 | 19 | 33 | 21 | 29 | 20 | 60 | 32 | 61 | 24 |
| Cork | 128 | 81 | 151 | 77 | 154 | 91 | 181 | 110 | 164 | 83 |
| Donegal | 62 | 26 | 59 | 22 | 62 | 32 | 52 | 37 | 62 | 33 |
| Dublin | 252 | 140 | 268 | 92 | 233 | 122 | 229 | 133 | 197 | 88 |
| Galway | 73 | 39 | 100 | 35 | 90 | 50 | 96 | 56 | 112 | 46 |
| Kerry | 90 | 50 | 81 | 43 | 86 | 64 | 81 | 62 | 82 | 37 |
| Kildare | 44 | 27 | 44 | 16 | 33 | 19 | 38 | 17 | 44 | 21 |
| Kilkenny | 25 | 18 | 26 | 17 | 36 | 21 | 40 | 24 | 36 | 17 |
| Laois | 25 | 19 | 22 | 14 | 26 | 17 | 35 | 19 | 30 | 18 |
| Leitrim | 27 | 10 | 23 | 9 | 28 | 13 | 23 | 13 | 25 | 9 |
| Limerick | 45 | 28 | 59 | 35 | 58 | 42 | 82 | 48 | 77 | 35 |
| Longford | 29 | 10 | 19 | 11 | 17 | 13 | 24 | 18 | 27 | 12 |
| Louth | 37 | 22 | 42 | 21 | 37 | 21 | 47 | 27 | 39 | 20 |
| Mayo | 50 | 23 | 53 | 19 | 50 | 29 | 61 | 43 | 59 | 29 |
| Meath | 32 | 16 | 28 | 21 | 28 | 17 | 38 | 23 | 45 | 25 |
| Monaghan | 26 | 17 | 39 | 14 | 35 | 21 | 35 | 19 | 32 | 14 |
| Offaly | 29 | 17 | 35 | 25 | 29 | 22 | 41 | 32 | 25 | 13 |
| Roscommon | 35 | 19 | 32 | 14 | 28 | 16 | 29 | 15 | 33 | 12 |
| Sligo | 30 | 13 | 21 | 10 | 29 | 19 | 29 | 19 | 23 | 12 |
| Tipperary | 54 | 27 | 56 | 25 | 59 | 35 | 81 | 50 | 64 | 36 |
| Waterford | 41 | 29 | 39 | 21 | 43 | 23 | 42 | 26 | 41 | 24 |
| Westmeath | 30 | 18 | 25 | 9 | 22 | 12 | 37 | 19 | 31 | 17 |
| Wexford | 41 | 27 | 38 | 20 | 54 | 33 | 66 | 37 | 65 | 25 |
| Wicklow | 33 | 15 | 27 | 15 | 30 | 19 | 31 | 19 | 39 | 18 |
| TOTAL | 1,304 | 738 | 1,362 | 628 | 1,338 | 797 | 1,533 | 935 | 1,454 | 685 |

Scéimeanna na mBóithre

97. **D'fhiafraigh Deputy Dinny McGinley** den Aire Gnóthaí Pobail, Tuaithe agus Gaeltachta an bhfuil liúntas airgid curtha ar fáil i meastacháin na bliana seo le haghaidh scéimeanna na mbóithre áise, cad é méid an liúntais; agus an ndéanfaidh sé ráiteas ina thaobh agus an ndéanfaidh sé ráiteas ina thaobh. [18392/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): Tá soláthar de €2m curtha ar fáil i Meastacháin mo Roinne do 2010 chun feabhsúcháin Ghaeltachta, ar a n-áirítear bóithre, muiroibreacha, grúpscéimeanna uisce, etc., a chur i gcrích. I gcomhthéacs na ngealltanais éagsúla atá ar láimh cheana i ndáil leis na feabhsúcháin seo, níl cinneadh críochnúil déanta agam go fóill maidir le gealluintí nua a chruthú.

Irish Language

98. **Deputy Ruairí Quinn** asked the Minister for Community, Rural and Gaeltacht Affairs the expenditure per year by his Department for the preparatory course for Irish language lawyer-linguist positions in the European institutions run by institutions (details supplied) since

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the creation of the course; if he will outline per year the total money given to each institution for the running of the course; the number of students who gained employment in European institutions after completion of the preparatory course since its inception; the measures in place to ensure that students do not abuse the rent subsidy that is allocated to students undertaking the course; and if he will make a statement on the matter. [18411/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The recognition of Irish as an official working language of the European Union with effect from 1 January 2007 presented the EU Institutions with a significant recruitment challenge. The Government took a number of steps to assist the EU Institutions in meeting this challenge and to ensure the availability of sufficient numbers of qualified personnel to support the new status of Irish at the EU. These steps included the establishment in 2006 of a dedicated fund — the Advanced Irish Languages Skills Initiative — to provide funding for specialised Irish language third-level courses.

The recognition of Irish as an official and working EU language created in particular a need for lawyer-linguists proficient in the Irish language. In this regard, I am appreciative of the co-operation of the institutions referred to in the Deputy's Question in developing a short-term intensive course for lawyer-linguists. To date, this course has been provided in 2007, 2008 and 2009. It is intended to provide a further course in 2010 and in subsequent years depending on sufficient uptake, continuing demand and the availability of resources.

Having regard to the circumstances arising — particularly the urgent need to ensure that lawyer-linguists proficient in Irish became available as speedily as possible — it was agreed that each participant on the course would be paid a stipend, as well as accommodation expenses in the case of participants based outside Dublin. The payment of a stipend was intended to help compensate participants who would be unable to work while attending the course. The relevant institution provided my Department with detailed information in relation to the students who qualified for accommodation costs prior to funding being made available in this regard.

To date, 4 participants have gone on to secure employment with EU institutions, while I am advised that other participants from the 2009 course are currently within the recruitment process. The table sets out the total level of funding provided by my Department in respect of the lawyer-linguist course in the years 2007, 2008 and 2009, as well as the details regarding participant numbers requested by the Deputy.

| Year | Amount of funding provided by Department | Number of participants | Number of participants who successfully completed the course | Number taking up EU posts to date |
|------|------------------------------------------|------------------------|--------------------------------------------------------------|-----------------------------------|
| | € | | | |
| 2007 | 142,627 | 7 | 6 | 2 |
| 2008 | 234,864 | 11 | 9 | 2 |
| 2009 | 364,713 | 26 | 18 | 0 |

Finally, I wish to reiterate that the provision of funding to support the status of Irish at the EU remains a priority. However, in view of the changed economic circumstances, the question of payment of a stipend and accommodation expenses is currently under review. I understand that the relevant institution has advised that it is not aware of any incidents of these payments having been abused in the past.

Rail Services

99. **Deputy Joe Carey** asked the Minister for Community, Rural and Gaeltacht Affairs if he will continue to support the provision of a rail stop at Crusheen, County Clare; if so, the communications he has had in relation to this matter since his appointment; and if he will make a statement on the matter. [18472/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The Deputy will be aware that I do not have primary responsibility for the provision of transport infrastructure. However, I am aware of a proposal that has been prepared by Irish Rail with regard to the development of a railway station at Crusheen and, in that context, I recently met with the Crusheen Rail Group. While I will keep the proposal under consideration, the Deputy will appreciate that, in the current economic climate, all project proposals must be assessed carefully in the context of the resources available to my Department.

Departmental Bodies

100. **Deputy Róisín Shortall** asked the Minister for Community, Rural and Gaeltacht Affairs further to Parliamentary Question No. 270 of 27 April 2010, the list of each implementing body; the number of places allocated and quotas assigned to each. [18531/10]

Minister for Community, Rural and Gaeltacht Affairs (Deputy Pat Carey): The list of implementing bodies for the Rural Social Scheme and the number of participant and supervisor places allocated to each body is set out in the table.

| Implementing Body | Participant Quota | Supervisor Quota |
|---------------------------------------------------------------|-------------------|------------------|
| Avondhu/Blackwater Partnership Ltd. | 17 | 1 |
| Ballyhoura Development Limited | 47 | 2 |
| Breffni Integrated Limited | 80 | 4 |
| Carlow County Development Partnership Ltd. | 18 | 1 |
| Cill Dara ar Aghaidh Teoranta | 22 | 1 |
| Clare Local Development Co. Ltd. | 117 | 6 |
| Co. Wicklow Community Partnership T/A Co. Wicklow Partnership | 20 | 1 |
| Comhar na nOileán Teoranta | 20 | 0 |
| County Kilkenny LEADER Partnership Company Limited | 19 | 1 |
| County Sligo LEADER Partnership Co. Ltd. | 124 | 6 |
| Donegal Local Development Company Ltd. | 76 | 4 |
| FORUM Connemara Ltd. | 14 | 1 |
| Galway Rural Development Co. Ltd. | 156 | 8 |
| Inishowen Development Partnership | 30 | 2 |
| IRD Duhallow Ltd. | 58 | 3 |
| Laois Community and Enterprise Development Co. Ltd. | 25 | 1 |
| Leitrim Integrated Development Company Ltd. | 100 | 5 |
| Longford Community Resources | 55 | 3 |
| Louth LEADER Partnership | 10 | 0 |
| Meath Community Rural & Social Development Partnership Ltd. | 16 | 1 |
| Monaghan Integrated Development Limited | 40 | 2 |
| North and East Kerry LEADER Partnership Teoranta | 89 | 5 |
| Mayo North East LEADER Partnership Co. Teo. | 221 | 11 |
| North Tipperary LEADER Partnership | 37 | 2 |
| Offaly Integrated Local Development Company Ltd. | 52 | 3 |

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| Implementing Body | Participant Quota | Supervisor Quota |
|-----------------------------------------------|-------------------|------------------|
| Roscommon Integrated Development Company Ltd. | 149 | 7 |
| South and East Cork Area Development | 8 | 1 |
| South Kerry Development Partnership Ltd. | 138 | 7 |
| South Tipperary Development Company Limited | 26 | 1 |
| South West Mayo Development Company Ltd. | 191 | 10 |
| Údarás na Gaeltachta | 437 | 21 |
| Waterford LEADER Partnership Ltd. | 12 | 0 |
| West Cork Development Partnership Ltd. | 68 | 3 |
| West Limerick Resources | 36 | 2 |
| Westmeath Community Development Ltd. | 33 | 2 |
| Wexford Local Development | 39 | 2 |
| Totals | 2,600 | 130 |

Social Welfare Benefits

101. **Deputy Terence Flanagan** asked the Minister for Social Protection if he will support the case of a person (details supplied) in Dublin 13; and if he will make a statement on the matter. [18418/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Due to staff action currently being taken in the HSE, I regret that I am unable to provide the information sought by the Deputy.

102. **Deputy Emmet Stagg** asked the Minister for Social Protection the reason for the delay in processing a rent allowance application under the supplementary welfare allowance scheme in respect of a person (details supplied) in County Kildare. [18431/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Due to staff action currently being taken in the HSE, I regret that I am unable to provide the information sought by the Deputy.

Pension Provisions

103. **Deputy Michael Ring** asked the Minister for Social Protection when a decision will be made on application for contributory pension in respect of a person (details supplied) in County Galway. [18460/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): A claim for State Pension (Contributory) submitted by the person concerned is currently being processed. He will be notified of the outcome of a decision on his entitlement in due course.

Proposed Legislation

104. **Deputy Joe Carey** asked the Minister for Social Protection when he will amend the Civil Registration Act 2004 to allow grieving Irish families whose loved ones died abroad to be able to register their deaths in this country; and if he will make a statement on the matter. [18473/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): It is intended to propose to make a number of amendments to the Civil Registration Act 2004 and, in this context, I will review the current provisions in relation to the registration in this country of deaths of Irish people which occur outside the State.

Pension Provisions

105. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for a non-contributory old age pension in respect of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [18477/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): State pension (non-contributory) is a means tested payment for persons over 66 years of age. All income is assessable as means and this includes cash income, private pensions, foreign pensions, the value of any property (excluding the claimant's own home) and the value of any investments, monies held in financial institutions and capital which the claimant or his/her spouse may have.

The person concerned was 66 years on 8 May 2009, he applied for the pension on 5 August 2009. He has a private pension of €969.80 per annum, his spouse is a HSE employee with an annual income in 2009 of €49,481.28. Based on the joint income of himself and his spouse, his means were assessed at €484.14 per week, which exceeds the statutory limit for receipt of State pension non-contributory, currently €245.00 per week.

A decision letter issued to the person concerned on the 17 August 2009 outlining details in relation to the refusal of his claim.

He appealed the decision to the Social Welfare Appeals Office on 8 September 2009. His appeal was disallowed.

On 5 March 2010, the person concerned contacted my department asking that his entitlement to a State pension non-contributory be re-examined. His file is currently with a Social Welfare Inspector, who will arrange to interview him shortly to determine his current means. Following receipt of the Inspector's report, a decision will be made on his entitlement and he will be notified accordingly.

106. **Deputy Richard Bruton** asked the Minister for Social Protection the entitlements of self-employed persons with at least five years contribution to receive a social welfare pension [18478/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Pay related social insurance (PRSI) was extended to self employed people from April 1988, as Class S PRSI. Class S benefits cover a range of pensions including State pension (contributory).

At the same time, a concession was made to those who first started paying Class S insurance from April 1988, which allowed any previous social insurance record they may have had to be disregarded when eligibility for pension was being assessed, if it was more beneficial to the individual concerned. Self-employed people who commenced paying contributions after April 1988 are treated the same as other contributors.

Furthermore, a special half-rate pension for the self-employed was introduced in April 1999 which enabled people who were over age 56 at the time of the introduction of Class S PRSI in 1988, and who could not therefore meet the standard qualifying conditions, to receive a contributory pension.

To qualify for the special half-rate self-employed State pension (contributory) a self-employed person must have:

1. been aged 56 or over on 6 April 1988;
2. paid social insurance contributions as a self-employed person on or after this date; and

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3. have at least 260 full-rate social insurance contributions paid on a compulsory basis since first starting to pay social insurance contributions as a self-employed person.

The personal rate and increases for a qualified adult and a qualified child are paid at 50% of the standard maximum rate.

For State pension (contributory) qualification purposes, Class S self-employment contributions are treated like any other full rate social insurance, although these contributions are not reckonable when calculating entitlement to State pension (transition).

In the case of a State pension (contributory) a person must satisfy certain qualifying conditions. The person must have:

1. entered into insurable employment before age 56;
2. have at least 260 weeks full-rate contributions paid; and
3. a yearly average of at least 10 contributions recorded (taking paid and credited PRSI Contributions into account) from 1953 or from the date of entry into insurance (whichever is the later) to the end of the last complete contribution year before reaching pension age.

In order to qualify for the maximum rate a yearly average of 48 contributions is required.

In the case of self-employed individuals, a further condition is that all outstanding liabilities incurred as a result of their self-employed activities must be fully discharged to the Revenue Commissioners.

An individual who fails to qualify for a State pension (contributory) pension, may apply for a State pension (non-contributory) which is a means tested payment.

107. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when a widows pension and bereavement grant will issue to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [18615/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): A Bereavement Grant at the maximum rate of €850 has been awarded and a cheque will issue shortly. Due to staff action currently being taken, I regret that I am unable to provide the information sought by the Deputy in respect of Widow's Pension.

Social Welfare Appeals

108. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the progress to date in the determination of eligibility for disability allowance in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [18616/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that, following receipt of the relevant Departmental papers including comments on the grounds of appeal, the appeal from the person concerned will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

109. **Deputy Róisín Shortall** asked the Minister for Social Protection the number and percentage of social welfare appeals that were refused in 2008 and 2009; and if he has an estimate of the overall savings to the Exchequer arising from these refusals. [18628/10]

110. **Deputy Róisín Shortall** asked the Minister for Social Protection the average time of social welfare appeals that were refused in 2008 and 2009. [18632/10]

111. **Deputy Róisín Shortall** asked the Minister for Social Protection the target waiting time for social welfare appeals. [18633/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 109 to 111, inclusive, together.

The average time taken to process all appeals in 2009 was 24 weeks (22 weeks in 2008). That processing time reduces to 15.8 weeks (14.5 weeks in 2008) if allowance was made for the 25% most protracted cases. These figures cover all appeals, whether decided summarily or following an oral hearing. Separate figures are not maintained in respect of the processing times for appeals disallowed.

The number of appeals disallowed by Appeals Officers in 2008 and 2009 was 6,135 and 6,332 respectively. I am advised that the Social Welfare Appeals Office does not maintain an estimate of the savings to the Exchequer arising from the disallowance of these appeals. The processing time for appeals covers all phases of the appeal process including the submission by the Department of its comments on the grounds for the appeal, further examination by the Department's Medical Assessors in certain illness related cases, further investigation by Social Welfare Inspectors where required and circumstances may also arise where further information is sought from the appellant. I am advised by the Social Welfare Appeals Office that having regard to the various phases of the appeal process, the varying complexities of the matters appealed to them and the demand led nature of the workload, a definitive target time is not feasible.

To deal with the increased workload being experienced by the Social Welfare Appeals Office, two additional Appeals Officers were appointed during 2009. The possibility of assigning further additional resources on a temporary basis is currently under consideration.

In addition, changes have recently been made to processes in the Social Welfare Appeals Office with a view to achieving additional productivity. I am assured by the Chief Appeals Officer that she is keeping the outcome of these changes under continuous review to ensure the optimum throughput of appeals with full regard to due process in terms of the rights of appellants and adherence to the requirements of natural justice.

Defence Forces Equipment

112. **Deputy Thomas P. Broughan** asked the Minister for Defence his plans for aircraft replacement in the Air Corps; and if he will make a statement on the matter. [18486/10]

Minister for Defence (Deputy Tony Killeen): A very significant level of investment on Air Corps aircraft has taken place in recent years. The comprehensive investment programme included the delivery of eight Pilatus training aircraft at a total cost of €60m, the acquisition of two light utility EC 135 helicopters from Eurocopter S.A.S. at a cost of €12.8m, the acquisition of six utility AW 139 helicopters from AgustaWestland, Italy at a cost of €75m and a major mid life upgrade on the two CASA maritime patrol aircraft at a cost of €16.5m.

Continued investment in both the Air Corps and the Defence Forces generally will remain a key focus for me as Minister for Defence. However, it is imperative that the Department and

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Defence Forces look to whatever efficiencies can be made taking into account the current difficult economic environment and the overall financial envelope available to the Department for the acquisition of new equipment and for upgrading and refurbishment programmes over the coming years. The budgetary situation will dictate the level of funding available for new equipment and upgrades in that period and decisions will be made accordingly.

Departmental Agencies

113. **Deputy Fergus O'Dowd** asked the Minister for Defence further to Parliamentary Question No. 356 of 30 March 2010, if full details are now available. [18546/10]

Minister for Defence (Deputy Tony Killeen): The agencies associated with the Department are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard. The Army Pensions Board and the Board of Coiste an Asgard do not have a Chief Executive Officer. The Chief Executive Officer of the Civil Defence Board is a serving civil servant at principal officer grade. The pay scales for principal officers appointed to the civil service prior to 1995 for the period in question are:

| | Principal Officer Pay Scale |
|----------|-----------------------------|
| | € |
| 1/8/2008 | 84,066 – 103,982 |
| 1/9/2008 | 86,168 – 106,582 |

The arrangements that apply to the CEO of this agency in respect of reductions in salary and the payment of pension and other expenses are the same as for all civil service staff.

Motor Taxation

114. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the fact that persons who bought hybrid cars prior to July 2007 when the new regime of rating cars came in are left in a position where not only have they paid more for their cars but face a continuing penalty in having to pay motor tax at a higher rate; the steps he will take to ensure that such cars will be eligible for the same concession on motor tax as any other car with similar environmental features; and if he will make a statement on the matter. [18396/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the reply to Question No. 334 of 5 May 2010, which outlines the position in relation to the new motor tax and VRT systems applying from 1 July 2008.

Game Sanctuaries

115. **Deputy Thomas Byrne** asked the Minister for the Environment, Heritage and Local Government his plans, whether by the direct legislation route or indirectly through the use of his power, to regulate or ban the shooting of game. [18420/10]

116. **Deputy Thomas Byrne** asked the Minister for the Environment, Heritage and Local Government his plans to expand the numbers and sizes of game sanctuaries here. [18423/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Question Nos. 115 and 116 together.

Firstly, I wish to state that I have no plans to ban the shooting of game.

The Wildlife Acts 1976 and 2000 provide for the making of orders relating to the provision of open seasons for the hunting of protected birds and mammals. These orders are reviewed from time to time, taking account of the conservation needs of individual species. For example, during the freeze which occurred last winter, I considered it necessary to curtail the open season for waterfowl for approximately two weeks.

Although the hunting of birds is covered in general by the orders providing for open seasons, individual licences are required under Section 30 of the Wildlife Act 1976 (as amended) for hunting on foreshore, lakes and inland waters belonging to the State. While such licences are applicable to the hunting of fauna generally, they are in practice obtained for the hunting of wildfowl, and are subject to the provisions of the open season orders.

Wildfowl Sanctuaries around the country, where hunting of birds is prohibited, have been in place since 1979, under the Wildlife (Wild Birds) (Open Seasons) Order, 1979. I have no plans at this time to add to the number or size of Wildfowl Sanctuaries. Recreational hunting is also prohibited in Nature Reserves and in National Parks. I have no plans to increase the numbers of Nature Reserves or National Parks at this time.

Archaeological Sites

117. **Deputy Thomas Byrne** asked the Minister for the Environment, Heritage and Local Government the forthcoming procedure involved following the submission of the Tara complex to UNESCO for possible inclusion as a world heritage site; the benefits to the area if this application is successful; the land area involved; and the requirements on the local authority to amend its development plan if this application is successful. [18474/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Tara Complex has been included in Ireland's new Tentative List of potential nominees to the World Heritage List submitted to UNESCO as part of the Royal Sites of Ireland series. The submission of the Tentative List to UNESCO is a different process to that of the nomination of a property to the World Heritage List. Such a nomination takes considerable time to prepare and each property nominated for inclusion on the World Heritage List is subject to evaluation by UNESCO, normally, over an 18 month period.

My Department is presently reviewing the strategy for advancing nominations to the World Heritage List. Consideration will be given to the order of the proposed nomination of properties on the Tentative List to the World Heritage List as part of this review.

The proposed nomination of the Tara Complex as part of the Royal Sites of Ireland series will require the preparation of comprehensive nomination documentation including a management plan for the property. Consideration of the land area involved and the need for any amendments to the County Development Plan will take place at that stage. Consultation with the relevant stakeholders including the local community will be an important part of the process.

World Heritage inscription brings increased international recognition for Ireland and increases public awareness of the outstanding universal value of the inscribed property. Inscription on the World Heritage List brings a potential increase in tourist activity around the property and the region.

The Deputy may also be aware of the Tara-Skryne Pilot Landscape Conservation Area project currently underway. The initiative is a partnership project between Meath County Council, the Heritage Council and my Department, working with the local community and all

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stakeholders in a collaborative and participative manner. The project will progress objectives and policies contained in the Meath County Development Plan 2007-2013 which seek to designate a Landscape Conservation Area for the Tara-Skryne Area under the Planning and Development Act, 2000. The overall aim is to develop a framework to manage change in a manner which will safeguard the character and values of this landscape. I understand that the draft boundary for such a designation by Meath County Council is now on public display.

Fire Stations

118. **Deputy Pádraic McCormack** asked the Minister for the Environment, Heritage and Local Government if he will make funds available to Galway County Council to enable a fire brigade station to be set up in south Connemara, County Galway, to cover this area where recent fires have taken place; and if he will make a statement on the matter. [18480/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs and the provision of premises is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. The Department's role is one of supporting and assisting fire authorities in delivering fire services through the provision of funding under the fire service capital programme and through setting of general policy. Further investment in the fire service in Galway will be considered under future capital programmes having regard to the existing facilities, the level of activity, the proximity of other fire stations, the fire authority's priorities and the totality of demands of other fire authorities on the limited funds available under the fire services capital programme.

Natural Heritage Areas

119. **Deputy Andrew Doyle** asked the Minister for the Environment, Heritage and Local Government if he will give details of the UN-mandated responsibilities and restrictions on local communities living in or adjacent to a world heritage site which will provide the guidance to his Department in its management of a site; and if he will make a statement on the matter. [18487/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The World Heritage Convention (the Convention Concerning the Protection of the World Cultural and Natural Heritage) was adopted by the General Conference of UNESCO on 16 November 1972. This Convention:

- defines the kind of natural and cultural properties which can be considered for inscription on the World Heritage List;
- sets out the duties of State Parties in identifying potential properties and their role in protecting and preserving them;
- explains how the World Heritage Fund is to be used and managed; and
- obliges State Parties to report regularly to the World Heritage Committee on the state of conservation of their World Heritage properties. Ireland ratified the Convention in 1991. Details of the Convention are available on the UNESCO website at <http://whc.unesco.org/archive/convention-en.pdf>.

The primary framework for the operation of the World Heritage Convention is provided by the Convention itself and the UNESCO Operational Guidelines for the Implementation of the World Heritage Convention. The Guidelines aim to facilitate the implementation of the Convention and cover such subjects as:

- Tentative Lists;
- Criteria for assessment of outstanding universal value;
- Protection and management;
- the process for the inscription of properties on the World Heritage List, and
- the process for monitoring the state of conservation of World Heritage properties.

The guidelines may be found on the UNESCO website at <http://whc.unesco.org/en/guidelines>.

Water and Sewerage Schemes

120. **Deputy Dan Neville** asked the Minister for the Environment, Heritage and Local Government the position regarding an application submitted by Limerick County Council for the hospital sewerage scheme. [18497/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to Question Nos. 337 and 342 of the 5 May 2010 which outlined the position in relation to Limerick Sewerage Schemes.

Litter Pollution

121. **Deputy Noel Ahern** asked the Minister for the Environment, Heritage and Local Government the position regarding spitting in public on the street; the law regarding same; if it is prohibited under littering legislation or by-laws and if they are enforceable by local authority litter wardens; if the relevant legislation can be quoted; if details of any enforcement action under his Department will be provided to this Deputy; and if he will make a statement on the matter [18533/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Litter Pollution Act 1997 defines litter as “a substance or object that, when deposited in a place other than a litter receptacle or other place lawfully designated for the deposit, is or is likely to become unsightly, deleterious, nauseous or unsanitary, whether by itself or with any other such substance or object, and regardless of its size or volume or the extent of the deposit”. On this basis, it is considered that the spitting out of a substance, such as chewing gum, on the street, would be an offence under the Litter Pollution Act 1997, which could be the subject of enforcement action by designated litter wardens appointed by local authorities.

Departmental Correspondence

122. **Deputy John O’Mahony** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 125 of 4 March 2010, the reason a person (details supplied) in County Sligo has not been contacted by his Department; when his Department will contact this person; and if he will make a statement on the matter. [18535/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The case involving the person concerned is complex and has required the Department to obtain the professional advice of a number of experts, including legal counsel. The Department has

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been examining the advice received and expects to be in a position to write to the individual in the coming days.

123. **Deputy Seán Ó Fearghail** asked the Minister for the Environment, Heritage and Local Government if he will consider a petition (details supplied); and if he will make a statement on the matter. [18540/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Dog Breeding Establishments Bill 2009, which has now completed Committee Stage in the Seanad where it was introduced, proposes to give statutory effect to the recommendations of the Working Group that reviewed the management of dog breeding establishments. It defines a dog breeding establishment as a premises with not less than 6 bitches of 4 months old and capable of breeding. The Bill proposes that all dog breeding establishments be required to register with the relevant local authority, that they pay a registration fee and that they meet a minimum set of veterinary, welfare and other standards, together with some associated requirements.

The Hunting Association of Ireland (HAI) made submissions to me in relation to their activities. As a consequence and in recognition of the “not for profit” basis of these activities, and as communicated to the HAI directly and in response to representations on their behalf, I decided to provide an exemption in the legislation in respect of the payment of registration fees. The HAI has made clear that their premises operate in accordance with comprehensive and appropriate standards. Accordingly, I do not consider that this aspect of the proposed legislative regime should cause difficulty to their members. Regulations will be introduced following enactment of the Bill and these will be subject to consultation with interested parties, including the HAI, to meet the requirements of the legislation.

Departmental Expenditure

124. **Deputy Charlie O'Connor** asked the Minister for the Environment, Heritage and Local Government if he will provide additional resources to South Dublin County Council to allow for the provision and redevelopment of the playground at Tymon Park on the Tallaght side; and if he will make a statement on the matter. [18557/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): There are no proposals for a new playground grant scheme in 2010.

Environmental Policy

125. **Deputy Charlie O'Connor** asked the Minister for the Environment, Heritage and Local Government if he will make a comprehensive statement on his policy to tackle climate change; if he will confirm the actions being taken; and if he will make a statement on the matter. [18558/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I refer to the comprehensive statement which I made in presenting the third Carbon Budget to Dáil Éireann on 11 December 2009. In that statement, I introduced the carbon tax and the Climate Change Bill 2010 as two of the corner-stones that will shape and drive Ireland's response to climate change.

Putting a price on carbon, which is being achieved through the implementation of the carbon tax, is a key step in our continued efforts to move towards a low-carbon future. As indicated in the reply to Question no. 12 of 22 April 2010, work on drafting the Heads of the Climate

Change Bill is at an advanced stage and I expect, following Government consideration, to be in a position to publish them shortly.

Planning Issues

126. **Deputy Damien English** asked the Minister for the Environment, Heritage and Local Government if, in the proposed issues paper on the retail planning guidelines, he will look at the potentially negative impact on employment in the retail and allied sectors of amending the retail planning guidelines; and if he will make a statement on the matter. [18565/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Ciaran Cuffe): Retail strategies are prepared by all planning authorities as part of their development plans. Given the considerable changes in economic and social development since the current Retail Planning Guidelines were published in 2001 and updated in 2005, particularly in relation to population and settlement patterns, it is important that the forward planning context for future retail development remains robust and realistic.

My Department is preparing an Issues Paper for publication shortly to provide an opportunity for stakeholders and interested parties to assist in identifying key issues to be considered in the context of preparing and drafting revised retail planning guidelines. Issues which could be raised through this initial consultation process could include potential employment or other impacts of any possible changes to the guidelines. I intend to issue the draft revised retail guidelines for public consultation before their finalisation later this year.

Building Regulations

127. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government the extent to which the Building Control Act is effective to deal with the issues for which it was introduced; and if he will make a statement on the matter. [18619/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department understands that the issue to which the Question refers concerns the use of sub-standard materials in buildings. The national Building Regulations, which are operative since 1992, set out the legal requirements for the construction of new buildings and the extension of, material alteration to, and certain changes of, use of existing buildings. The comprehensive set of related Technical Guidance Documents provide detailed information on how to comply with the Regulations.

Part D of the Building Regulations deals with Materials and Workmanship. It stipulates that all works are to be carried out with proper materials and in a workmanlike manner. It defines proper materials as those materials which are fit for the use for which they are intended and for the conditions in which they are to be used. This includes materials which:

- bear a CE Marking in accordance with the EU Construction Products Directive; or
- comply with an appropriate harmonised standard, a European Technical approval or a national technical specification; or
- comply with an appropriate Irish Standard or Irish Agrément Board Certificate or with an alternative national technical specification of another State which provides an equivalent level of safety and suitability.

A particular issue of concern in this regard is the use of pyrite in house construction and the position on this has been set out in replies to previous Questions and most recently in reply to

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Question No. 31 of 25 February 2010. The issue of pyrite was brought to the attention of my Department in mid 2007. Having consulted the statutory Building Regulations Advisory Body, my Department issued a circular letter (Ref. BC 6/2007) to each county manager and local building control authority on 16 August 2007 to bring this matter to their notice and to request co-operation in the enforcement of the relevant requirements set out in the circular. The circular also brought to their attention a notice issued by Fingal County Council on 26 July 2007 on this matter.

Following an intervention from my Department, the National Standards Authority of Ireland (NSAI) published a new amended Standard Recommendation on the use of aggregates as infill for civil engineering and road construction work. The new Standard Recommendation came into effect on 7 December 2007 and it is intended to address the quality standards of new homes and buildings insofar as problems relating to pyrite are concerned. My Department incorporated this NSAI Standard Recommendation into the relevant Technical Guidance Document (TGD-C) of the Building Regulations. A copy of the relevant amendment to TGD-C is available on my Department's website at www.environ.ie. My Department has also notified Local Authorities, the Construction Industry Federation, the Irish Home Builders' Association and other key stakeholders of the provisions of the amended TGD-C. In addition, I am aware that HomeBond has included the amended NSAI Standard Recommendation in their published 6th edition of the House Building Manual. I am satisfied that the measures outlined represent an appropriate response by my Department to this issue.

Responsibility for compliance with the Building Regulations is a matter for the owner or builder of a building. Enforcement of the Building Regulations is the responsibility of individual Building Control Authorities which are empowered to carry out inspections and initiate enforcement proceedings, where considered necessary. The resolution of problems arising between building owners and builders is a matter for the parties concerned, namely the building owner, the relevant developer and the builder's insurers. Where the construction of a building is the subject of a contract between the client and the builder enforcement is a civil matter.

Compliance with the building regulations is kept under constant review by my Department. I understand that the Building Regulations Advisory Body, which was established under the 1990 Building Control Act to advise me on matters relating to building regulations, has completed a report on enforcement of the regulations and that this report is to be submitted to me shortly. I expect this to be an important input to my Department's ongoing consideration of the building regulations regime.

Water and Sewerage Schemes

128. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 798 of 20 April 2010, the precise nature of the projects approved and rejected; and if he will make a statement on the matter. [18620/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): A comprehensive range of new water services infrastructure has been approved for County Kildare in my Department's Water Services Investment Programme 2010 -2012 published last month. The Programme, which includes details of contracts currently at construction, contracts to start in the 2010 to 2012 period and schemes to advance through planning, is available in the Oireachtas Library.

The new Programme aims to prioritise projects that target environmental compliance issues and support economic and employment growth as envisaged in the Government's policy document Building Ireland's Smart Economy — A Framework for Sustainable Economic Revival.

A key input to the development of the programme was the assessment of needs prepared by local authorities, including Kildare County Council, in response to my Department's request to the authorities in 2009 to review and prioritise their proposals for new capital works in their areas. These were subsequently appraised by my Department in the context of the funds available and key criteria that complemented those used by the authorities.

The contracts and schemes that were not included in the Programme on this occasion were those which did not feature highly on public health grounds or other environmental compliance requirements (for example, those relating to European Court of Justice proceedings, or those which were required in the context of the River Basin Management Plans, Shellfish Pollution Reduction Programmes, EPA Reports etc) and projects that were proposed simply for capacity expansion and which in the case of water supply can be deferred, in many cases, in favour of accelerated water conservation measures.

The Programme will be reviewed and updated annually to reflect any emerging priority projects. This is intended to deal with investment requirements arising, for example, from the clarification of appropriate treatment for certain agglomerations from the licensing and certification process for wastewater discharges being implemented by the EPA, or from the ongoing monitoring of drinking water standards which may highlight risks which need to be addressed.

Building Energy Ratings

129. **Deputy Simon Coveney** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 621 of 23 March 2010, if he has received complaints about the building energy rating software and its calculation of woodchip boilers in a final BER rating; if an installation of a woodchip boiler will negatively affect a BER rating; and if he will make a statement on the matter. [18630/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The reply to Question Nos. 621, 622 and 623 of 23 March, 2010 outlines the position in relation to the calculation of energy consumption and carbon dioxide emissions for purposes of the Building Energy Rating (BER) Scheme. My Department understands that the Sustainable Energy Authority of Ireland (SEAI), which is tasked with the administration of the scheme, has responded to a number of requests for clarification as to the treatment of wood-fuelled appliances for BER purposes.

Departmental Expenditure

130. **Deputy Billy Timmins** asked the Minister for Communications, Energy and Natural Resources the position regarding a matter (details supplied); and if he will make a statement on the matter. [18451/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Under Section 123 of the Broadcasting Act, 2009, with the approval of the Minister for Finance, I may pay RTÉ in respect of each financial year an amount equal to the total of receipts in that year in respect of broadcasting (TV) licence fees less (i) any expenses incurred in relation to the collection of those fees, and (ii) an amount being equal to 7% of these net television licence fee receipts, which is paid under Section 156 of the Broadcasting Act 2009 to the Broadcasting Authority of Ireland (BAI) in respect of the Broadcasting Funding Scheme. This amount was increased from 5% to 7% under the 2009 Act. In effect, therefore, RTÉ is now being paid 93% of net television licence fee receipts on an annual basis.

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The following table sets out details of funding available from television licence fees in the years 2006-2009.

| Year | TV Licence Fee Gross Proceeds |
|------|-------------------------------|
| | €m |
| 2006 | 205.5 |
| 2007 | 217.3 |
| 2008 | 222.2 |
| 2009 | 222.6 |

Section 124(2) of the Broadcasting Act, 2009 provides that the Broadcasting Authority of Ireland (BAI) shall, on an annual basis, carry out a review of RTÉ's performance. It further provides for the BAI to prepare and submit a report on its findings to me before 30th June each year. The BAI, on the basis of such a review, will make a recommendation on an annual licence fee modification if a modification is deemed appropriate. The calculation for this modification will take into account the Consumer Price Index (CPI) and any adjustment recommended by the BAI. When I receive the completed review I will consider if a change to the licence fee is warranted based on the BAI's recommendations.

Alternative Energy Projects

131. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources the reason for the delayed announcement on the renewal energy feed in tariff price for miscanthus; if his attention has been drawn to the fact that this REFIT price announcement was due in January 2010; if his further attention has been drawn to the fact that the continued delay in announcing the REFIT price is putting the industry here in jeopardy with the potential loss of jobs; his views on whether miscanthus is an important growth industry if the target for biomass of 30% by 2015 is to be reached; and if he will make a statement on the matter.

[18527/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): There was no commitment to announce a renewable energy feed in tariff (REFIT) price for biomass in January, 2010. My Department is working to finalise proposals in relation to REFIT prices for biomass CHP and biomass combustion (co-firing) in the context of the BioEnergy Roadmap, which will underpin the contribution of indigenous bioenergy and biomass to the National Renewable Energy targets for 2020. The national Renewable Energy Action Plan, which will set out Ireland's approach to meeting the targets, is being finalised for submission to the Commission by end June. Miscanthus is one of a number of energy crops currently being utilised in co-firing trials under way by ESB and Bord na Móna. The co-firing trials will contribute to overall assessments about the suitability and viability of the various energy crops as feed stock for the peat plant co-firing programme.

Departmental Agencies

132. **Deputy Fergus O'Dowd** asked the Minister for Communications, Energy and Natural Resources further to Parliamentary Question No. 372 of 30 March 2010, if full details are now available; and if he will make a statement on the matter. [18544/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department is currently in the process of compiling the data sought by the Deputy and I will forward it to him as soon as possible.

Sustainable Energy Projects

133. **Deputy Simon Coveney** asked the Minister for Communications, Energy and Natural Resources further to Parliamentary Question No. 665 of 23 March 2010, the price at which Sustainable Energy Ireland purchased software for the building energy rating system; if Sustainable Energy Ireland can edit this software to correct any glitches or anomalies that may arise; if Sustainable Energy Ireland have edited BER software at any point; and if he will make a statement on the matter. [18631/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Building Energy Rating (BER) is a measure of the energy required to meet the annual energy use for space heating, water heating, ventilation and lighting in the home, calculated on the basis of a notional standard family with a standard pattern of occupancy.

The methodology used is the Dwelling Energy Assessment Procedure (DEAP). DEAP takes account of the energy required for space heating, ventilation, water heating and lighting, less savings from energy generation technologies. For standardised occupancy, it calculates both the total annual values and, the per square metre of total floor area of delivered energy consumption, primary energy consumption, carbon dioxide emissions and costs.

The methodology was defined by the Sustainable Energy Authority of Ireland (SEAI) on the basis of prevailing methodologies and emerging international standards and following industry consultation. SEAI commissioned the DEAP software tool, which is issued free of charge through its website, to facilitate registered BER Assessors in the calculation and subsequent publication of energy ratings. DEAP is also used to demonstrate compliance with specific aspects of Part L of the Building Regulations for dwellings.

SEAI owns the full intellectual property rights within the software tool. The software was developed by Calyx Software (formerly Mentec), which was appointed following an Invitation To Tender process conducted through the Government's e-tenders service.

The specification of DEAP is subject to regular review as building practices change, new technologies are introduced to market and new developments in building energy calculation emerge. SEAI does not itself implement these changes within the software but rather specifies and manages the changes to be implemented by the appointed software vendor.

DEAP is enhanced on a phased basis to reflect revised technical requirements e.g. Building Regulations, and accommodate new and improved functionality. Total cost of development and maintenance of the DEAP software tool for the period 2006 to date is €306,292. Maintenance is included in the contract with Calyx to address any issues that arise with software operation.

Departmental Expenditure

134. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the number of Government-run canteens operating in Government buildings in his Department and its agencies; the number of commercially-run cafes or restaurants operating in Government buildings and in his Department and agencies; if there is a policy in his Department and its agencies to source the food served in the food outlet locally; and if he will make a statement on the matter. [18384/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Restaurants in Agriculture House, Dublin, Johnstown Castle, Wexford and Government Offices, Portlaoise, are operated by independent commercial companies.

The food sourced for these canteens is of Irish origin. The operation of such facilities in the State agencies under the aegis of my Department is a matter for the agencies themselves as part of their day-to-day activities.

Fisheries Protection

135. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food his views on fishermen's concerns that seals are damaging fish stocks in area 6A; his further views on the Conservation of Seals (Scotland) Order 2007; the implications for Irish fish stocks of the presence of 350,000 seals off the Scottish coast; and if he will make a statement on the matter. [18388/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I am aware of fishermen's concerns regarding the seal populations in and around our coasts. With regard to the role that the seal plays in the conservation of fish stocks, seals eat a wide array of fish and invertebrates. I am informed that their diet appears to vary considerably depending on location, time of year and the abundance of available prey.

Insofar as management of the national seal population is concerned, this is a matter for the Minister for the Environment, Heritage and Local Government under the Wildlife Acts, which are administered by the National Parks and Wildlife Service. The conservation of seals in Scottish waters is a matter for the Scottish Authorities, and I will not comment the Conservation of Seals (Scotland) Order 2007.

Grant Payments

136. **Deputy John O'Donoghue** asked the Minister for Agriculture, Fisheries and Food when persons (details supplied) in County Kerry will received arrears of REP scheme four payments. [18446/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): For some time recently, the processing of REPS payments has been delayed in my Department's local offices in Kerry because two vacant supervisory posts remained unfilled in line with the Government's moratorium on recruitment and promotion in the civil service. My Department has now put arrangements in place to resolve the situation. This will enable the processing of claims to proceed and payments to issue without further delay.

137. **Deputy John O'Donoghue** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive their REP scheme four. [18450/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): For some time recently, the processing of REPS payments has been delayed in my Department's local offices in Kerry because two vacant supervisory posts remained unfilled in line with the Government's moratorium on recruitment and promotion in the civil service. My Department has now put arrangements in place to resolve the situation. This will enable the processing of claims to proceed and payments to issue without further delay.

138. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Roscommon will receive their payment; the reason for the delay in same. [18470/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An official of my Department has been in direct contact with the person named regarding the dual claim of one land parcel under the 2009 Single Payment Scheme, following which the case is now being further reviewed. The person named will be advised of the outcome of the review shortly.

Farm Retirement Scheme

139. **Deputy Dan Neville** asked the Minister for Agriculture, Fisheries and Food the position regarding the case of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [18492/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment of the Early Retirement pension to the person named commenced on 28 February 2010. Arrears of pension backdated to 1 October 2009, the date of valid application, were included with the first payment.

Grant Payments

140. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food the position regarding the REP scheme payment in respect of a person (details supplied); and if he will make a statement on the matter. [18511/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment will issue to the person named within ten working days.

Afforestation Programme

141. **Deputy Bernard J. Durkan** asked the Minister for Agriculture, Fisheries and Food the total area of land throughout the country currently owned by Coillte; the extent to which the entire area is under forestry or other development; the specific areas earmarked for or currently utilised for alternative purposes; the nature of any such projects current or proposed; the extent to which any such projects are in accordance with Coillte's mission statement; the degree to which development plans in respect of Coillte property has evolved otherwise than in consort with the mission statement; the business plan or proposals under way or proposed in respect of Coillte; the plans if any to acquire or sell land or property; the extent to which any such proposals relate to decentralisation; the extent of negotiations, contracts, commitments or obligations implied or otherwise arising from developments in Coillte over the past ten year; the groups, bodies, agencies, personalities or other entities with which Coillte has had negotiations or discussions regarding the operation of future developments of Coillte; and if he will make a statement on the matter. [18613/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The total area of land owned by Coillte is 426,500 hectares with an additional 3,000 hectares on long term lease and 12,500 hectares under the company's management through farm partnerships — this equates to 442,000 hectares. Some 80 % of Coillte's land is under forestry. Details are not readily available as to areas specifically earmarked for or currently utilized for alternative purposes.

My Department has been fully appraised of Coillte's mission statement and development plans. Ensuring that specific projects are consistent with the Company's mission statement and development plans is an operational matter for the company, which was established as a private commercial company under the Forestry Act, 1988.

Under the provisions of Section 14 of the Forestry Act 1988, the company submits annually its plans for the sale and acquisition of property. The company's programme for 2010 has been

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submitted and I am not aware of any proposals in relation to decentralization in this context. Participation in negotiations, entry into contracts and other similar business activities are operational matters. Coillte interacts with a wide variety of public and private organizations. On a strategic level, Coillte are currently participating in the review of state forestry policy currently being undertaken by my Department. One element of this exercise is a review of Coillte's role, functions and operations. The Department of Finance and the Department of Communications, Energy and Natural Resources are also participating in this review.

Grant Payments

142. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their payment under REP scheme four; and if he will make a statement on the matter. [18621/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): REPS 4 is a measure under the current Rural Development Programme 2007–13 and is subject to EU Regulations which require detailed administrative checks on all applications to be completed before the first payments issue. Queries arose on the application from the person named and my officials requested that an amended plan be submitted. This plan was received on 12 April 2010 and my officials are currently carrying out the necessary administrative checks. If the amended plan is in order, payment will issue promptly once these checks have been completed.

Departmental Funding

143. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills if she will confirm reports from attendees at the labour market activation fund briefing on 18 March 2010 that two separate question and answer sessions took place due to the unexpected number of attendants; if she will confirm further reports that contrary to public procurement guidelines, questions were asked and responded to without all of the eligible bidders being present; if she will also confirm that none of the Departmental staff presiding over the meeting recorded the questions and answers and no questions and answers from this meeting were posted on the e-tenders website prior to the tenders expiration; and if she will make a statement on the matter. [18409/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As part of the call for proposals for funding under the Labour Market Activation Fund, an extensive Request for Tender (RFT) document was published. A paper was also commissioned from Forfás which provided extensive guidance to tenderers in preparing proposals for education and training provision which would meet the specific requirements detailed in the RFT document.

The public meeting on the 18th March was organised in order to allow interested parties the option of seeking information or clarification on the content of the published documents. The large number of attendees arriving for this meeting necessitated, for reasons of safety, the holding of an additional meeting for those who did not wish to attend the first session. These sessions took place in accordance with the principles of good procurement practice.

An additional information resource provided for prospective tenderers was a question and answer facility made available on the public procurement e-tenders website for the entire duration of the tendering process. In the main, the questions and answers arising under the principal themes covered at the information sessions on the 18th March were subsequently posted on this website. In addition, there was a continued opportunity for any prospective tenderer to pose any additional questions they wished and have them answered fully in the public domain.

Almost one hundred questions were asked and answered on the e-tenders site, covering all aspects of the process in detail.

I am satisfied that more than sufficient information and clarification was provided, in addition to the two principal published documents, to guide all prospective tenderers, whether they attended the public briefings or not, in submitting proposals for support under the Activation Fund.

144. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills the consultation that took place with private and public sector organisations or associations concerning the labour market activation fund prior to its announcement in budget 2009; the name of each of the private sector and public sector organisations or associations with whom contact was made regarding the development of the labour market activation fund prior to its announcement in budget 2009; and if she will make a statement on the matter. [18410/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The key consultations, which took place before the December 2009 Budget, were between the relevant Ministers and their officials.

Question No. 145 answered with Question No. 20.

Schools Building Projects

146. **Deputy Dinny McGinley** asked the Tánaiste and Minister for Education and Skills if she has received an application for refurbishment and extension from a school (details supplied); when the application was made; the stage of the application; the nature and the details of the extension required; and if she will make a statement on the matter. [18394/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The school to which the Deputy refers applied to my Department for capital funding for a large scale extension project in September 2005.

The application has been assessed in accordance with published prioritisation criteria for large scale projects and assigned a band 2 rating. However, the project has not yet progressed into architectural planning.

Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, are now available on the Department's website at www.education.ie.

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on the Department's website.

The progression of all large scale building projects, including this project, from initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department's capital budget, it is not possible to give an indicative timeframe for the progression the project at this time.

Appointments to State Boards

147. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills the selection procedure for appointing teacher training college board members on the Teaching

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Council; the reason all teacher training colleges in Ireland are not represented on the Teaching Council; the procedures that exist for colleges who are not represented on the Teaching Council to give input and gain insight into new requirements developed by the Teaching Council; and if she will make a statement on the matter. [18406/10]

149. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills the appointment procedure for the two positions nominated by colleges of education on the Teaching Council; if she will outline the way that the third level bodies are selected for the nomination of two persons for the Teaching Council; if she will list all the colleges of education and specified third level bodies involved in nominating these combined four persons to the Teaching Council; and if she will make a statement on the matter. [18408/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 147 and 149 together.

The composition of the Teaching Council, and selection and appointment of its members are provided for in the Teaching Council Act 2001. Section 8 of the Act provides for members of the Council to be appointed by the Minister and to include:

[Section 8(2)(c)]

2 persons nominated jointly by the following bodies:

- (i) St. Patrick's College, Drumcondra, Dublin;
- (ii) Church of Ireland College of Education, Rathmines, Dublin;
- (iii) St. Mary's, Marino, Dublin;
- (iv) Froebel College of Education, Sion Hill, Blackrock, County Dublin;
- (v) Mary Immaculate College, University of Limerick, And

[Section 8(2)(d)(xi)]

2 persons nominated jointly by the following bodies:

- (i) National College of Art and Design;
- (ii) National University of Ireland, Cork;
- (iii) National University of Ireland, Dublin;
- (iv) National University of Ireland, Galway;
- (v) National University of Ireland, Maynooth;
- (vi) Dublin University;
- (vii) University of Limerick;
- (viii) Dublin City University;
- (ix) St. Catherine's College of Education for Home Economics, Sion Hill, Blackrock, County Dublin;

(x) St. Angela's College of Education, Sligo;

(xi) such other bodies, providing university or other higher education and training (within the meaning of the Qualifications (Education and Training) Act, 1999), as the Council shall determine,

The Act provided for the representation on the Teaching Council of institutions offering teacher training in the State at that time.

Following consultation with the Council, institutions may be added to, or deleted from these provisions.

Other institutions may, if they so wish, seek representation by inclusion under the provision in Section 8(2)(d)(xi) of the Act.

Regarding Selection Procedure(s), prior to the end of the term of office of a Council, the Director puts processes in place for the election or nomination of new members. The bodies at 8(2)(c) and 8(2)(d)(xi), are invited to submit the names of their agreed selection. It is a matter for the colleges to devise the selection process and the Council does not advise on the mechanism whereby this selection is to be undertaken.

It is Teaching Council policy to communicate and consult widely with stakeholders, including teacher educators. In practice this may mean that the Council might, for example, invite stakeholders to meetings, issue and seek feedback on draft policy documents on matters of relevance to their work and so on.

Departmental Funding

148. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills if she will provide the details of all private colleges that have received funding from the special education support service and the teaching education section of the Department of Education and Skills under the national development plan; the amount of funds which have been made available to the colleges; the tendering procedure that took place, if any, for the colleges to avail of these funds; the eligibility criteria for a college to apply for these funds; and if she will make a statement on the matter. [18407/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Teacher Education Section of my Department directly funds Froebel College, Coláiste Mhuire, Marino Institute of Education and Church of Ireland College of Education in connection with the provision of programmes of initial teacher education leading to qualification as a primary teacher.

Froebel College, Church of Ireland College of Education and Coláiste Mhuire, MIE each provide a Bachelor of Education course. Froebel College and Coláiste Mhuire, MIE also provide an 18 month post graduate primary teacher education course.

My Department approves the annual intake of students to the initial teacher education programmes in these Colleges of Education and payment is made in accordance with student numbers. Froebel College and Coláiste Mhuire, MIE are funded to provide these courses by my Department via capitation grants and tuition fee grants.

The Church of Ireland College of Education is funded via tuition fee grants and on a budget grant basis. The grant paid represents the full cost of the approved staffing and the excess of expenditure over income in regard to maintenance and running costs.

The table below details the expenditure by my Department to each college for these courses:

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Grants to Summer Gaeltacht Colleges

| Year | Froebel | Coláiste Mhuire, MIE | Church of Ireland College of Education |
|------|-----------|----------------------|----------------------------------------|
| 2009 | 3,023,897 | 4,742,392 | 2,528,259 |
| 2008 | 3,335,251 | 4,932,172 | 2,910,971 |
| 2007 | 2,942,498 | 4,159,376 | 2,481,350 |

Satisfactory attendance at an Irish language course in the Gaeltacht is a compulsory element of both the three year B.Ed. degree course and the 18 month postgraduate diploma course in primary teaching. The Irish language courses are provided by Gaeltacht summer colleges. My Department approves the course content and the students in the Colleges of Education decide which Gaeltacht college to attend. The Colleges submit their rolls as verification of the students' attendance and my Department pays grants directly to the management authorities of the Gaeltacht colleges.

The total amounts paid to the Colleges in recent years are detailed below:

| Year | € |
|------|-----------|
| 2009 | 1,073,952 |
| 2008 | 1,062,982 |
| 2007 | 875,329 |

There are currently 5 colleges providing the approved course as follows: Coláiste Loch con Aortha, Radharc an Chláir, Coilleach, An Spidéal, Co. na Gaillimhe Coláiste Isliomáin, Inis Meáin, Oileáin Arann, Co. na Gaillimhe Coláiste Cholmcille (Gaoth Dobhair), Doire Beag, Leitir Ceanainn, Tir Chonaill, Co. Dhún na nGall Coláiste Chiaráin, An Cheathrú Rua, Co. na Gaillimhe Comharchumann Forbartha Chorca Dhuibhne Teo, Baile'n Fhirtéaraigh, Trá Lí, Co. Chiarraí

My Department also funds a number of programmes in the area of Special Educational Needs. One of these, the Combined Post-Graduate Diploma Programme of Continuing Professional Development for Teachers involved in Learning Support and Special Education, is provided by Church of Ireland College of Education (CICE) as well as a number of other Colleges across the country. The funding provided to CICE in 2009 to support the provision of this course amounted to €48,000.

In addition to the above, following receipt of a proposal in 2006 from St Patrick's College, Drumcondra and the Institute of Child Education and Psychology Europe (ICEPE), my Department has also funded the development of an online Certificate/Diploma in Education (Special/Inclusive Education). The development fund amounted to €421,500 paid out over 2006 and 2007. The development of this programme represented a positive development in providing widespread access to professional development in the area of inclusion of students with special educational needs for mainstream teachers, irrespective of geographical location.

None of the above were tendered for.

My Department also issued a tender in Autumn 2008, the primary purpose of which was to assemble an inventory of on-line programmes to be utilised by the Special Education Support Service (SESS) in the delivery of CPD for teachers of students with Special Educational Needs. This tender was entirely open to all providers and a number of tenders were received. ICEPE

was the only organisation successful in having a number of courses recognised for utilisation by the SESS. Funding in this instance is provided in the form of partial subvention of participant fees. A total of €166,840 was paid out in 2009 towards the cost of participant fees.

Question No. 149 answered with Question No. 147.

Schools Building Projects

150. **Deputy Pádraic McCormack** asked the Tánaiste and Minister for Education and Skills the position regarding the provision of a new Gaelscoil for a school (details supplied) in County Galway in view of the fact that they have been waiting 15 years for accommodation; and if she will make a statement on the matter. [18412/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The school to which the Deputy refers was one of a number of projects announced on the 16th February last to commence architectural planning in 2010.

A tender competition is currently underway for the appointment of a Project Manager\Design Team. When this competition is completed it is expected that planning permission will be lodged soon thereafter.

Tax Code.

151. **Deputy Finian McGrath** asked the Tánaiste and Minister for Education and Skills if she will support the case of a person (details supplied). [18422/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My officials are currently making arrangements for the issue of approximately 100,000 income levy certificates to teaching and non-teaching staff — both serving and retired who are paid through my Department's centralised payroll system.

I understand that the certificates will issue on a phased basis over the next few weeks.

Schools Recognition

152. **Deputy Jack Wall** asked the Tánaiste and Minister for Education and Skills her views in relation to correspondence (details supplied); her plans for the provision of secondary school education in the general area for the pupils; and if she will make a statement on the matter. [18428/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department is aware of the accommodation issues at the school to which the Deputy refers. Notwithstanding the fact that the school has provisional recognition and that during this period it is the responsibility of the Patron to provide accommodation, my Department has been assisting the Patron in sourcing alternative suitable, cost effective accommodation. A proposal was recently put by my Department to the Patron in this regard and it is hoped that this proposal can form the basis of an accommodation solution for the school.

With regard to permanent recognition, the school applied to my Department for permanent recognition in October 2008, which was the 2008/09 school year.

When it applied for temporary recognition initially, the school supported its application with a projected enrolment of 232 pupils for the 2008/09 school year. The downward revision of projections by the school indicated that the enrolment would be 119 pupils for that school year. This is just over half of the original projection on which the Department's decision to recognise the school was taken. The actual enrolment for that school year was less again at 105 pupils.

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The school's enrolment in the current school year is understood to be 140 pupils. This compares with an original projected enrolment from the school of 271 pupils and a subsequent downward revised enrolment by the school to 159 pupils. The actual enrolment is, therefore, 131 pupils less than originally expected.

Drops in enrolment of this magnitude are naturally of concern to the Department. Notwithstanding this, my Department has made it clear that it considers that the potential is there for a long term viable entity and it has extended the school's temporary recognition for a further three years to allow it the opportunity to develop its enrolments further on this basis. The question of permanent recognition for the school will be considered again at that time.

School Accommodation

153. **Deputy Jack Wall** asked the Tánaiste and Minister for Education and Skills her plans to provide Gael coláiste schools for secondary education for pupils who are attending the number of primary Gael Scoileanna in Kildare south at present; if she will provide transport facilities to such a secondary school; if there is central Gael coláiste envisaged; or her plans for secondary education through Irish in Kildare South. [18429/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Forward Planning Section of the Department is in the process of carrying out detailed analysis of over 40 locations of highest population growth in order to identify the school accommodation requirements up to and including the school year 2014/2015. Given the increase in the birth rate in recent years the initial focus of this analysis is on primary school accommodation requirements and this will be followed by a more detailed analysis of post-primary accommodation requirements.

When the required reports have been completed for these initial identified areas the Forward Planning Section will continue to work on preparing reports on a priority basis for the remainder of the country. Overall school accommodation requirements in the South Kildare area, including the case for the provision of a new Irish language post-primary school, will be considered in this regard.

In addition to this detailed analysis of accommodation needs currently being carried out by Forward Planning Section, the Department is also currently examining a number of broad policy issues regarding the establishment of new post-primary schools. As part of this, consideration is being given to the setting up of a new framework in relation to the establishment of new second level schools and their patronage.

School Transport

154. **Deputy Olwyn Enright** asked the Tánaiste and Minister for Education and Skills if her attention has been drawn to the case of a person (details supplied) in County Kildare; if she will grant assistance for this person towards the cost of travel; and if she will make a statement on the matter. [18489/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): Under the terms of my Department's School Transport Scheme, a pupil with special needs will be eligible for school transport if s/he is attending the nearest recognised special class/special school or a recognised unit, that is or can be resourced, to meet the child's special educational needs under Department of Education and Science criteria.

The purpose of the School Transport Scheme for Children with Special Needs is to provide a reasonable level of transport service for children with a diagnosed disability and/or special educational need, who, because of the nature of their disability, may not be in a position to avail of a school bus service.

Where the provision of a reasonable level of transport service is not possible or where the costs of providing such a service is prohibitive, grant-aid towards the cost of private transport arrangements may be provided.

Bus Éireann has advised that the pupil referred to by the Deputy, in the details supplied, can be accommodated on an existing service, passing 1.6 kilometres from the home address, to the school attended. Therefore, it is considered that the payment of a grant does not arise in this case.

Schools Building Projects

155. **Deputy Phil Hogan** asked the Tánaiste and Minister for Education and Skills when funding will be allocated to a school (details supplied) in Kilkenny City; and if she will make a statement on the matter. [18490/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I can confirm that the school to which the Deputy refers has made an application to my Department for large scale capital funding for an extension and refurbishment project. The application has been assessed in accordance with published prioritisation criteria for large scale projects and assigned a band 2 rating.

Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, are now available on the Department's website at www.education.ie.

The progression of all large scale building projects, including this project, from initial design stage through to construction will be considered in the context of the school building and modernisation programme. However, in view of the level of demand on the Department's capital budget, it is not possible to give an indicative timeframe for the progression the project at this time.

Public Service Pay

156. **Deputy Liz McManus** asked the Tánaiste and Minister for Education and Skills further to pay reductions in the university sector, if she will agree to make an exemption for European Commission funded researchers in view of the fact that the Commission has stated that any reduction in salary is a breach of contract; if she will comment on the view that the Commission funding may cease if pay deductions continue to be made to funded researchers; and if she will make a statement on the matter. [18500/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Financial Emergency Measures in the Public Interest (No. 2) Act 2009 has determined the criteria for reducing the pay of public servants with effect from 1 January 2010. In this Act, a "public servant" is defined as a person who is employed by, or who holds any office or other position in, a public service body. A public service body is defined as one which receives direct or indirect funding and to which a public service pension scheme exists, or applies, or may be made.

Under the terms of the Act, universities and institutes of technology (IOTs) are considered to be public service bodies. The Act does not distinguish between those employees who are

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members of a public service pension scheme and those who are not. Nor does it distinguish between those whose salaries are wholly paid from monies provided by the Exchequer and those whose salaries are funded from other sources.

The position is that all persons employed by a university or IOT, regardless of how their salaries are funded, and irrespective of whether or not they are members of a public service pension scheme, are by definition public servants within the meaning of the Act.

I understand that the researchers referred to by the Deputy are those in receipt of Marie Curie Fellowships from the European Commission. Although their salaries are funded by the European Commission, these researchers are hosted in a university or IOT and have their employment contract with that institution. It is for this reason that the pay reduction has been applied to the Marie Curie Fellows in the same way as it has to all other researchers and employees of these institutions.

Section 6 of the Act contains provision to allow the Minister for Finance to exempt either certain public servants, or classes or groups of public servants from the operation of the Act, either entirely or to such extent as the Minister considers appropriate in the event where exceptional circumstances exist.

I am aware that representations have been made for an exemption to be provided in the case of Marie Curie researchers. The Deputy will be aware however that any consideration in this case must take into account the wider implications of such an exemption for other staff in the institutions and across the public sector.

Schools Building Projects

157. **Deputy Dinny McGinley** asked the Tánaiste and Minister for Education and Skills the number and names of all primary schools in County Donegal that have applied for extensions, refurbishment or renovation grants; and if she will make a statement on the matter. [18502/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Information in respect of the current school building programme along with all assessed applications for major capital works, including the Co. Donegal projects referred to by the Deputy, is now available on my Department's website at www.education.ie.

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on my Department's website.

For the Deputy's convenience, a list of 46 applications from Co. Donegal primary schools currently seeking major capital works building projects is set out for ease of reference.

| County | School Roll No. | School Name | Current Status | Application For | Provisional Band Rating |
|---------|-----------------|---------------------------------------------------|-------------------------------------|------------------|-------------------------|
| Donegal | 01733B | Ardara Mixed N S Ardara (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 03294L | S N Caiseal Na Gcorr Gort A Choirce (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 04809A | Scoil An Aingil Choimheadai An Cheididh (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 09009Q | Rockfield Ns, Ballyshannon, (Donegal) | Application | Extension/Refurb | Band 4 |
| Donegal | 11843O | S N Neill Mor Killybegs (Donegal) | Application | Extension/Refurb | Band 1 |
| Donegal | 12077E | Scoil Naomh Fiachra Letterkenny (Donegal) | Application | Extension/Refurb | Band 1 |
| Donegal | 15770K | S N Naomh Naille Na Caologa (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 16138S | Raphoe Central N S Raphoe (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 16608G | Killybegs Common N S The Commons (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 16819T | S N Gort An Choirce Leitir Ceanainn (Donegal) | Application | New School | Band 2 |
| Donegal | 16821G | Clochar Padraig Naofa Carndonagh (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 16837V | S N Duchoraidh Duchoraidh (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 16850N | St Garvan'S N.S. Drum Halla (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 17040G | Sn Naomh Samhthann Drumdoit (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 17057A | Dromcaoin Bealach Fheid Dromcaoin (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 17241Q | S N Domhnach Mor Castlefin (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 17260U | Scoil An Leinbh Iosa Killymard (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 17721H | Scoil Treasa Naofa Malainn (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 17828C | Scoil Adhamhnain Rathbhoth (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 17945G | Scoil Naomh Chaitriona, Ballyshannon | Awaiting Appointment of Design Team | New School | Band 2 |
| Donegal | 18058H | Scoil Naomh Seosamh Rathdomhnaill (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 18129E | Scoil Naomh Peadar (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 18131O | S N Muire Gan Smal Ard Aratha (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 18251B | Ayr Hill N S Ramelton Ramelton (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 18286U | S N Na Hacrai Ailt An Chorrain (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 18371L | Scoil Mhuire An Craosloch (Donegal) | Application | Extension/Refurb | Band 2 |

| County | School Roll No. | School Name | Current Status | Application For | Provisional Band Rating |
|---------|-----------------|------------------------------------------------------------|-------------------------------------|------------------|-------------------------|
| Donegal | 18520C | Scoil Phadraig Rath Seinche (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 18605K | Scoil Naomh Padraig Boys Carndonagh (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 18625Q | Scoil Colmcille, Convent Road, Letterkenny | Awaiting Appointment of Design Team | Extension/Refurb | Band 1 |
| Donegal | 18737E | Scoil Bhríde, Conmhaigh, Lifford, (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 19009W | Craanford N S Craanford (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 19228L | S N Naomh Brid Na Dunaibh (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 19310T | Scoil Naomh Earnan (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 19313C | Glenswilly National School, Newmills, Letterkenny | Awaiting Appointment of Design Team | Extension/Refurb | Band 1 |
| Donegal | 19518U | S N Naomh Baoithin Sc Naomh Baoithin (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 19686S | St Macartans Central Bundoran (Donegal) | Application | Extension/Refurb | Band 3 |
| Donegal | 19927O | Scoil Mhuire B & C, Stranorlar | Awaiting Appointment of Design Team | New School | Band 1 |
| Donegal | 19959E | Scoil Naomh Fionan Whitecastle (Donegal) | Application | Extension/Refurb | Band 2 |
| Donegal | 19967D | Scoil Iosagain, Bunrana | Awaiting Appointment of Design Team | Extension/Refurb | Band 1 |
| Donegal | 20096E | Gaelscoil Na Gceithre Maistri Baile Dun Na Ngall (Donegal) | Application | New School | Band 2 |
| Donegal | 20097G | Gaelscoil Bhun Crannach Bun Crannach (Donegal) | Application | New School | Band 2 |

Projects in Architectural Planning

| | | | | | |
|---------|--------|--------------------------------------------------------------|------------------------------------|-----|-------------------------|
| Donegal | 16672P | St. Patricks Primary School, Lurgybrack, Co. Donegal. | In advanced Architectural Planning | 1.1 | Extension/Refurbishment |
| Donegal | 18052S | Scoil Mhuire gan Smal, Letterkenny, Co. Donegal. | In advanced Architectural Planning | 1.1 | Extension/Refurbishment |
| Donegal | 18219F | SN Chonaill, Machaire Chlochair, Bun Beag, Co. Dhun na nGall | In advanced Architectural Planning | 2.1 | Extension/Refurbishment |
| Donegal | 19971R | Gaelscoil Adhamhnain, Letterkenny, Co. Donegal. | In advanced Architectural Planning | 1.1 | Extension/Refurbishment |
| Donegal | 20150H | Holy Family NS, Ballyshannon, Donegal | In advanced Architectural Planning | 1.4 | Extension/Refurbishment |

158. **Deputy Dan Neville** asked the Tánaiste and Minister for Education and Skills if she will provide funding in 2010 for the completion of a new school (details supplied) in County Limerick; and if she will make a statement on the matter. [18509/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I can confirm that the school to which the Deputy refers has made an application to my Department for large scale capital funding. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band 2.2 rating, reflecting the fact that the deficit in mainstream accommodation represents a significant proportion of the schools overall needs.

Information in respect of the current school building programme, along with all assessed applications for major capital works, including the project referred to by the Deputy, is now available on my Department's website at www.education.ie.

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on my Department's website.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. The Department is considering the most effective way of delivering this project, including examining the feasibility of allowing it to proceed as a Public Private Partnership project.

However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Question No. 159 answered with Question No. 24.

State Examinations

160. **Deputy Bobby Aylward** asked the Tánaiste and Minister for Education and Skills if she will arrange with her Department to have a leaving certificate issued to a person (details supplied) in respect of a subject which they repeated in 1986 and where the request has been submitted. [18521/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The State Examinations Commission has statutory responsibility for operational matters relating to the certificate examinations, including organising the holding of examinations, making arrangements for the marking of work presented for examination and issuing the results of examinations.

In view of this, I have forwarded your query to the State Examinations Commission for direct reply to you.

Question No. 161 withdrawn.

Special Educational Needs

162. **Deputy Jack Wall** asked the Tánaiste and Minister for Education and Skills the basis upon which the assessment of a special education needs officer is made; if she will further indicate whether reports, educational reports, reports regarding discipline and school reports generally, are included in the assessment of the special education needs officer; and if she will make a statement on the matter. [18552/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As the Deputy will be aware, the National Council for Special Education (NCSE), through its network of local special educational needs organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports. The NCSE operates within my Department's criteria in allocating such support.

I have arranged for the issues raised by the Deputy to be forwarded to the NCSE for their attention and direct reply.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

163. **Deputy Jack Wall** asked the Tánaiste and Minister for Education and Skills if any proposals have been made or received in her Department by interested parties for an independent appeal mechanism for those parents who have seen their child's special needs assistants withdrawn; the responses she has made to such; her plans regarding same; and if she will make a statement on the matter. [18553/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department has no record of having received specific proposals such as those set out by the Deputy.

The Deputy is aware that the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support.

Local SENOs are a valuable resource in assisting parents with regard to their child's special educational needs. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

The Deputy may also be aware that the NCSE has introduced an appeals process whereby schools and parents, where appropriate, may seek to appeal the decision of a SENO in relation to the allocation of resources. Information regarding the appeals process is available on the NCSE's website at www.ncse.ie.

164. **Deputy Jack Wall** asked the Tánaiste and Minister for Education and Skills the means by which concerned parents or guardians can, if necessary by means of a freedom of information request, view reports of the assessment of their children by special education needs officers; and if she will make a statement on the matter. [18555/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The National Council for Special Education (NCSE) became subject to the Freedom of Information (FOI) Acts 1997 and 2003 with effect from 31st May 2006. Applications to the NCSE under the FOI Acts will be dealt with in accordance with the legislation.

Further details on how to apply to the NCSE for information under the FOI Acts is available on the NCSE website at www.ncse.ie.

Parents/guardians may also contact their local Special Educational Needs Organiser (SENO) directly to discuss their child's special educational needs using the contact details available on www.ncse.ie.

165. **Deputy Jack Wall** asked the Tánaiste and Minister for Education and Skills the research undertaken to date on the educational performance of children whose special needs assistants

have been withdrawn and any related research on the consequences for classes in general following the withdrawal of an SNA from those students who needed them; if she will publish any interim reports from such research if it is being undertaken; and if she will make a statement on the matter. [18560/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I wish to clarify that special needs assistants (SNAs) and teachers have separate yet complementary roles. SNAs provide care support to pupils with special educational needs who have been assessed as having such needs while teachers deliver education to the pupils.

It is not accurate to state that posts were withdrawn where students continued to need them. The terms and criteria for the SNA scheme have not changed and the National Council for Special Education (NCSE) continues to allocate SNA posts where the criteria are met in line with the Department's policy. Following a review by the NCSE, a number of SNA posts were withdrawn where it was found that the posts were no longer required because the students had either left the school or had diminished care needs.

The issue of commissioning research along the lines proposed by the Deputy does not arise.

Schools Building Projects

166. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the degree to which her Department has advanced the various development stages in respect of a school (details supplied) in County Kildare over the past 12 month period on a monthly basis; and if she will make a statement on the matter. [18576/10]

174. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills if she will grant funding under large scale capital application to a school (details supplied) in County Kildare within the next six months; the likely anticipated timescale for same; and if she will make a statement on the matter. [18584/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 166 and 174 together.

A proposal has been submitted to the Department by the authority of the school to which the Deputy refers to meet its long term accommodation needs. Further to a meeting with the then Minister for Education and Science, additional details were subsequently submitted by the school to the Department and these are now under consideration. The Department will be in contact with the school authority when a decision has been reached in this matter.

167. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills when an application for large scale capital funding made 11 years ago will be awarded in the case of a school (details supplied) in County Kildare; her views on whether that this length of time is acceptable; her plans to address and progress this matter by June 2010; and if she will make a statement on the matter. [18577/10]

169. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the full extent of progress made in each year since a large scale capital funding application was submitted to her Department in the case of a school (details supplied) in County Kildare; if she will grant same which was applied for 10 years ago; the likely advancement of this application in 2010; and if she will make a statement on the matter. [18579/10]

175. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills if a school (details supplied) in County Kildare will be granted funding under large scale capital funding application in 2010; and if she will make a statement on the matter. [18585/10]

177. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills if she or her Department deem it is acceptable that a school (details supplied) in County Kildare, which applied for large scale capital funding over nine years ago should still be waiting for same; the expected time frame for granting same; and if she will make a statement on the matter. [18587/10]

180. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills when a school (details supplied) in County Kildare will be granted funding under the application for large scale capital funding in view of ongoing increased demands on the school regarding classroom accommodation and increased level of pupils; and if she will make a statement on the matter. [18590/10]

183. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills if he or his Department have received an application for funding for the provision of an extension at a school (details supplied) in County Kildare; his plans to address same in 2010; and if she will make a statement on the matter. [18593/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 167, 169, 175, 177, 180 and 183 together.

I can confirm that the schools to which the Deputy refers have made applications to my Department for large scale funding. The applications have been assessed in accordance with the published prioritisation criteria for large scale capital projects and assigned an appropriate band rating. Information in respect of the current school building programme along with assessed applications for major capital works, including the projects referred to by the Deputy, are now available on my Department's website at www.education.ie.

The progression of all large scale building projects, including projects for these schools, from initial design through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in the light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of these projects at this time.

School Placement

168. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills when school place will be offered to a person (details supplied) in County Kildare at a school; and if she will make a statement on the matter. [18578/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The question of enrolment in individual schools is the responsibility of the managerial authority of those schools. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the Education Act, 1998. In this regard a Board of Management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. The criteria to be applied by schools in such circumstances are a matter for the schools themselves. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Under section 15(2)(d) of the Education Act 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the rights of parents to send their children to a school of the parents choice are respected.

Section 29 of the Education Act 1998, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the Education Act 1998 to appeal that decision to either the relevant Vocational Educational Committee or to the Secretary General of my Department.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB advises parents to apply to more than one school in order to assist in securing a school placement. The Board can be contacted at National Educational Welfare Board, National Headquarters, 16-22 Green Street, Dublin 7 or by telephone at 01-8738700.

Question No. 169 answered with Question No. 167.

Schools Building Projects

170. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the time elapsed to date since application for permanent classroom facilities was deemed required at a school (details supplied) in County Kildare; the number of school places required thereat; the precise schedule for meeting these requirements in terms of permanent structures and facilities; the number of schools in the county the requirements of which have been met in the period referred to; the number of school places accommodated in course thereof; and if she will make a statement on the matter. [18580/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The brief for the project to which the Deputy refers is for a new 16 classroom school. A permanent site was acquired by the school authorities in 2005 and the project commenced architectural planning in 2006.

The project is currently at tender stage and assuming that no issues arise, the project will be authorised to proceed to the award of a contract in the coming months.

School Accommodation

171. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills if she will provide the necessary temporary accommodation at a school (details supplied) in County Kildare to accommodate the extra 30 students anticipated for September 2010 enrolment which are in excess of the normal expectation thereby creating a further place requirement for 30 students; if her attention has been drawn to the situation; the degree to which she has responded or intends to respond; and if she will make a statement on the matter. [18581/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I can confirm to the Deputy that the school to which he refers has applied to my Department for extra accommodation. All such applications are currently being assessed in my Department. A decision will issue to the school in question once the assessment of its application has been completed.

Schools Building Projects

172. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the position regarding a school building project for a school (details supplied) in County Kildare; and if she will make a statement on the matter. [18582/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I am pleased to inform the Deputy that the building project to which he refers has been on site since September 2009.

173. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the full extent of progress made in each of the past 12 months to date of the advancement of a school building project (details supplied) in County Kildare; and if she will make a statement on the matter. [18583/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): In the last six months the project to which the Deputy refers has completed the detailed design stage and was authorised to proceed to tender. My officials are currently awaiting receipt of the Tender Report from the Board of Management.

Question No. 174 answered with Question No. 166.

Question No. 175 answered with Question No. 167.

Schools Building Projects

176. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills when an application for large scale capital funding was submitted to her Department by a school (details supplied) in County Kildare; her plans to progress same by June 2010; and if she will make a statement on the matter. [18586/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The school to which the Deputy refers originally applied to my Department for large scale capital funding in 2004. The application has been assessed in accordance with the published prioritisation criteria for large scale capital projects and assigned an appropriate band rating. Information in respect of the current school building programme along with assessed applications for major capital works, including the project referred to by the Deputy, is now available on my Department's website at www.education.ie.

The progression of all large scale building projects, including a project for the school in question, from initial design through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in the light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

Question No. 177 answered with Question No. 167.

School Accommodation

178. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the likely time scale for the granting of funding to a school (details supplied) in County Kildare in view of increased demands on the school; and if she will make a statement on the matter. [18588/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The school in question was allocated grant aid for the provision of 2 mainstream classrooms in 2009. The school management authority was advised that they had the option to purchase prefabs or build a permanent structure and they opted to build a permanent structure.

The school authority recently sought additional funding for the provision of a new sewerage treatment and percolation area which is a result of a planning permission condition. I am pleased to inform the Deputy that my Department has recently approved this additional funding.

Schools Building Projects

179. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the development since 9 of November 2009 regarding the building project for the new national school at Kill, County Kildare; the degree of interaction with the various interests involved; the contacts made with local interests by the various bodies within his Department; the degree to which the matters specifically raised have been addressed or are in course thereof; and if she will make a statement on the matter. [18589/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I am pleased to inform the Deputy that the completion contractor for the project to which he refers commenced on site in early April. With regard to the degree of interaction with the various interests involved; my officials have been constant contact with the school principal who has been fully appraised of the latest developments with regard to this project.

Question No. 180 answered with Question No. 167.

School Accommodation

181. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the progress to date regarding the building works at a school (details supplied) in County Kildare; and if she will make a statement on the matter. [18591/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The school in question received grant aid in 2007 to provide four resource rooms under my Department's Permanent Accommodation Scheme. I am pleased to inform the Deputy that construction works on the school have been completed recently.

182. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the position regarding the provision of permanent school buildings for students attending a school (details supplied) in County Kildare; and if she will make a statement on the matter. [18592/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The school to which the Deputy refers has provisional recognition from my Department. During this period, it is the responsibility of the Patron to provide accommodation.

However, my Department is aware of the accommodation issues at the school and, notwithstanding the Patron's responsibilities in this matter, my Department has been assisting the Patron in sourcing suitable, cost effective accommodation. A proposal was recently put by my Department to the Patron in this regard and it is hoped that this proposal can form the basis of an accommodation solution for the school.

Question No. 183 answered with Question No. 167.

Schools Building Projects

184. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills further to Parliamentary Question No. 1444 of 16 September 2009, the position regarding a school (details supplied) in County Kildare; when this matter is likely to proceed; and if she will make a statement on the matter. [18594/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I am pleased to inform the Deputy that the building project to which he refers has been on site since early January.

Departmental Funding

185. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the position regarding an application for major capital funding by a school (details supplied) in County Kildare; and if she will make a statement on the matter. [18595/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As the Deputy has been previously informed, the school to which he refers has not applied to my Department for large scale capital funding and it indicated to my Department last year that it is not in need of such funding.

Schools Building Projects

186. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the progress made in the past six months in respect of a school building project (details supplied) in County Kildare; the degree to which the project is on schedule; and if she will make a statement on the matter. [18596/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): In the last six months the project to which the Deputy refers has completed the detailed design stage and has been authorised to proceed to tender.

Education Welfare Service

187. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the extent to which the relevant section of her Department has engaged in follow up support and report in respect of a person (details supplied) in County Kildare; the steps she has taken to facilitate the completion of their second level education; the action she will take to ensure that they are not abandoned without further support; if an evaluation has been completed, sought or provided for following the incident; if a review of their medication has been undertaken; if lessons can be learned and provisions made in the future for such cases having particular regard to replies to previous parliamentary questions on this matter; and if she will make a statement on the matter. [18597/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Under Section 29 of the Education Act 1998, where a school Board of Management permanently excludes a student from school, that decision may be appealed, either to the relevant Vocational Educational Committee in the first instance, or to the Secretary General of my Department. Only where an appeal has been upheld by a Section 29 committee may the Secretary General of my Department direct that a pupil be readmitted to a school.

No Section 29 appeal application has yet been received by my Department in respect of this child.

The National Educational Welfare Board (NEWB) is the body which has statutory responsibility to assist parents in securing a school placement for their child. Where a student has been expelled, the NEWB will assist parents to find an alternative school placement for their child and may also offer advice to parents on taking a Section 29 appeal or as to the possibility of Home Tuition support being made available to the child pending the sourcing of a new school placement.

The NEWB have advised that they have been in contact with the family concerned regarding this case and are continuing to offer assistance and advice to them.

As outlined in my predecessors reply of 9th February 2010, all primary and post primary schools have access to psychological assessments either directly through my Department's

National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA) which is administered by NEPS.

I can confirm that my Department's National Educational Psychological Service has not received a request from Confey College school authorities in relation to this case. I can further inform you that a review of the pupil's medical condition and in particular his medication would fall outside the province of my Department, its agents and schools authorities and would be a matter for consideration by a qualified medical practitioner.

School Medical Examinations

188. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the extent and frequency of school medical examination on a county basis in each of the past five years to date in 2010; the extent and nature of the diagnosis and follow up arising therefrom; and if she will make a statement on the matter. [18598/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department does not operate the schools medical examinations service and I am not therefore in a position to comment on the matters raised by the Deputy. It appears that these matters would be more appropriate to my colleague, the Minister for Health and Children.

Higher Education Grants

189. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the degree to which higher education grants have been paid up to date or otherwise by vocational education committees or local authorities on a county basis throughout the country to date in respect of the current year; those outstanding, if any, from previous years; the plans or provisions, if any to streamline, update and expedite the process in the coming year in view of the hardship caused by delays; and if she will make a statement on the matter. [18599/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The attached table details the latest information on the number of new applications awaiting decisions. The information has been supplied to my Department by the local authorities and the Vocational Education Committees. The information in relation to the applications outstanding from previous years is not available in the format requested by the Deputy as the process of paying third level or further education grants is a matter for the relevant local authority or VEC. The timing of payment varies between the 66 awarding bodies depending on a number of variables including the volume of applications received, staffing resources and whether or not properly completed application forms have been received.

Both VECs and local authorities are experiencing pressures due to the increased workload associated with the increased demand for student grants, particularly in the context of the recruitment moratorium in the public sector which, in some instances, will have impacted on the processing of grants. However, every effort is being made by these bodies to ensure that students get decisions on their grant applications and are paid as soon as possible.

Given the likelihood of further increases in the numbers of grant applications, my Department is working closely with local authorities, VECs and other relevant stakeholders to continue development of a number of initiatives to support more effective delivery of student grants, including service improvements in application, assessment and payments arrangements.

Work is currently being advanced on the development of a scaleable on-line applications facility in conjunction with a number of VECs and local authorities. Other measures include the introduction of a new, more simplified application form for 2010, earlier approval of the grant schemes, examination of the possible extension of the pilot electronic funds transfer

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(EFT) payments system introduced in 2009/2010 and the development of common annual renewal and re-assessment processes.

In addition, as part of the business process re-engineering exercise under way under the Transforming Public Services initiative, business process improvement techniques are being used to analyse ways in which the current assessment process can be handled more efficiently.

Number of new applications awaiting decisions in each VEC area as at May 2010

| VEC | Number of Applications awaiting Decisions | Reason |
|--------------------|-------------------------------------------|----------------------------------------------------|
| Carlow | 0 | n/a |
| Cavan | 72 | As of March 5th 2010, no updated figure available. |
| Clare | 106 | outstanding documentation |
| Cork City | 153 | outstanding documentation |
| Cork County | 739 | outstanding documentation |
| Donegal | 120 | outstanding documentation |
| Dublin County VEC | 505 | outstanding documentation |
| Dublin City | 467 | outstanding documentation |
| Dun Laoghaire | 20 | outstanding documentation |
| Galway County VEC | 34 | outstanding documentation |
| City of Galway VEC | 17 | outstanding documentation |
| Kerry | 51 | outstanding documentation |
| Kildare | 90 | outstanding documentation |
| Kilkenny | 82 | outstanding documentation |
| Laois | 75 | outstanding documentation |
| Leitrim | 24 | outstanding documentation |
| Limerick City | 6 | outstanding documentation |
| Limerick County | 89 | outstanding documentation |
| Longford | 10 | outstanding documentation |
| Louth | 7 | outstanding documentation |
| Mayo | 83 | outstanding documentation |
| Meath | 85 | outstanding documentation |
| Monaghan | 77 | outstanding documentation |
| Offaly | 2 | outstanding documentation |
| Roscommon | 4 | outstanding documentation |
| Sligo | 81 | outstanding documentation |
| Tipperary NR | 3 | outstanding documentation |
| Tipperary SR | 43 | outstanding documentation |
| Waterford City | 2 | outstanding documentation |
| Waterford County | 82 | outstanding documentation |
| Westmeath | 96 | outstanding documentation |
| Wexford | 18 | outstanding documentation |
| Wicklow VEC | 193 | outstanding documentation |
| Total | 3,436 | |

It is understood from the awarding authorities that the applications awaiting decisions are largely late applications. Apart from the pressures associated with the volume of applications, a significant number of outstanding grant applications are delayed because they're not completed fully. It is important to remind students and their parents to return all necessary supporting documentation as early as possible to help the awarding bodies make prompt decisions on entitlement.

Number of new applications awaiting decisions in each local authority area as at March 2010

| Local Authority | Number of Applications awaiting Decisions | Reason |
|--------------------|-------------------------------------------|--------------------------------------------------------------|
| Carlow | 17 | Documentation outstanding |
| Cavan | 48 | Documentation outstanding |
| Clare | 128 | Documentation outstanding |
| Cork City | 3 | Late applications & documentation outstanding |
| Cork Co | 560 | 555 documentation outstanding & 5 processing yet to commence |
| Donegal | 69 | Documentation outstanding |
| Dublin City | 149 | Documentation outstanding |
| Dun Laoghaire | 9 | Documentation outstanding |
| Fingal Co Co | 54 | Documentation outstanding |
| Dublin South Co Co | 12 | Documentation outstanding |
| Galway Co | 319 | Documentation outstanding |
| Kerry | 20 | Documentation outstanding |
| Kildare | 13 | Documentation outstanding |
| Kilkenny | 19 | Documentation outstanding |
| Laois | 0 | |
| Leitrim | 12 | Documentation outstanding |
| Limerick City | 34 | Documentation outstanding |
| Limerick Co | 3 | Documentation outstanding |
| Longford | 23 | Documentation outstanding |
| Louth | 89 | Documentation outstanding |
| Mayo | 2 | Documentation outstanding |
| Meath | 22 | Documentation outstanding |
| Monaghan | 11 | Documentation outstanding |
| Offaly | 8 | Processing yet to commence |
| Roscommon | 15 | Documentation outstanding |
| Sligo | 32 | Documentation outstanding |
| Tipperary NR | 60 | Documentation outstanding |
| Tipperary SR | 37 | Documentation outstanding |
| Waterford City | 1 | Processing yet to commence |
| Waterford Co | 20 | Documentation outstanding |
| Westmeath | 42 | Documentation outstanding |
| Wexford | 48 | Documentation outstanding |
| Wicklow | 81 | Documentation outstanding |
| Total | 1,960 | |

Special Educational Needs

190. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the number of special needs teachers and special needs assistants available at primary and secondary level schools in each county and or city throughout the country in 2010; the way this number has fluctuated on an annual basis over the past five years; and if she will make a statement on the matter. [18600/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The information requested by the Deputy on the number of special needs teachers and special needs assistants employed at primary and second level throughout the country is not readily available in the requested format.

As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENO) for allocating resource teachers and special needs assistants to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support.

The allocation for any school and any adjustments to that allocation depends on a number of factors such as the number of pupils with care/medical needs leaving, the number of new pupils, the changing needs of the pupils and any surplus identified. Furthermore, schools can make applications at any time with the result that the individual situation of any school can change and allocations are not static. The Deputy may wish to liaise directly with the NCSE in the context of his enquiry.

I want to take this opportunity to emphasise that children with special educational needs will continue to receive an education appropriate to their needs. The NCSE will continue to support schools, parents, children and teachers and resources will continue to be allocated to schools to meet children's needs in line with my Department's policy.

Capitation Grants

191. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the degree to which funding available to, or provided by his Department directly is likely to meet requirements at primary or second level on a county basis throughout the country in the current year; the extent to which this meets the requirements as set out by school authorities in total; and if she will make a statement on the matter. [18601/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I wish to assure the Deputy that I am committed to ensuring that schools have adequate funding to cover their running costs.

The Deputy will be aware that the Renewed Programme for Government contains commitments to maintain capitation grants at current levels within the deflationary economic environment.

At primary level, schools currently receive, in ancillary and capitation grants, at least €355 per student. Enhanced rates are payable for students who are members of the Travelling community or who have special educational needs. At post-primary level, the combined capitation and school services support fund grants are €557 per student.

Budget 2010 also provides for an extra allocation available to primary and second level schools to allow schools to provide grant assistance for books, and for further allocations at second level to fund various programme grants.

Bullying in Schools

192. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the extent, if any, of incidents of school bullying brought to her attention of which she or her Department otherwise became aware of at primary and second level, on a county basis throughout the country in each of the past five years to date in 2010; the procedures, if any, in place in each case by way of follow up; the steps that have been taken or are likely to be taken arising from any such follow up; and if she will make a statement on the matter. [18602/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): There is no requirement for local school authorities to report incidents or allegations of bullying to my Department, nor do I believe that this should be the case.

Under the Education Act 1998, legally, all schools are managed, on behalf of the school Patron or Trustees, by school Boards of Management who employ the teachers at the school. Whereas as I, as Minister for Education and Science provide funding and policy direction for schools, neither I, as Minister, or my Department have the power to instruct schools to follow a particular course or direction with regards to individual complaint cases, other than in relation to appeals taken against refusal to enrol, suspension, or expulsion, under Section 29 of the Education Act.

In dealing with complaints the Department's role is to provide advice to parents and students on the operation of schools' complaints procedures and to clarify for parents and pupils how grievances and complaints against schools can be progressed.

Accordingly, responsibility for tackling bullying falls to the level of the individual school, as it is at local level that an effective anti-bullying climate must be established and at that level that actions should be taken to address allegations of bullying.

My Department does receive a number of complaints and queries from parents regarding matters such as bullying, involving schools. It is important to highlight that in many instances, parents may be seeking guidance from the Department on how to resolve an issue or an alleged incident within a school.

In 2009 a total of 438 telephone or written complaints/queries were received from parents regarding bullying in schools.

To the end of April 2010 a total of 160 telephone or written complaints/queries have been received from parents regarding bullying in schools.

Details of complaints are not recorded on a county by county basis. As details of complaints for 2008 and previous years were not recorded by individual topic and nature of complaint, accurate statistical data on the number of complaints or queries received from parents in relation to bullying is not available for these years.

It should be noted that as the term bullying can be difficult to define prescriptively, complaints/queries logged under the category of bullying are done so based on the terminology used by the parent, as opposed to any judgement applied by staff as to the nature of the complaint.

I am, however, anxious to support schools in tackling bullying and it is for that reason that a number of supports have been put in place in recent years to assist schools in dealing with this important issue.

The Board of Management of each school is required to prepare a code of behaviour in accordance with Section 23 of the Education (Welfare) Act 2000. To assist schools in formulating such a code, the National Educational Welfare Board (NEWB) has developed guidelines for schools on Codes of Behaviour.

My Department further requires each school to have in place a policy which includes specific measures to deal with bullying behaviour, within the framework of an overall school code of behaviour and discipline. Such a code, developed through consultation with the whole school community and properly implemented, can be the most influential measure in countering bullying behaviour in schools.

The education of students in both primary and post-primary schools in relation to anti-bullying behaviour is part of the SPHE curriculum. SPHE is now a compulsory subject both at primary level and in the junior cycle of post-primary schools.

[Deputy Mary Coughlan.]

My Department has also issued guidelines as an aid to schools in devising measures to prevent and deal with instances of bullying behaviour and to increase awareness among school management authorities of their responsibilities in this regard. These guidelines were drawn up following consultation with representatives of school management, teachers and parents, and are sufficiently flexible to allow each school authority to adapt them to suit the particular needs of their school.

My Department has additionally published policy templates for post-primary schools in five key areas, including anti-bullying on its website of as part of our ongoing efforts in this regard. The template documents are not prescriptive, but rather highlight possible approaches and potential material for inclusion in school policies.

The anti-bullying policy template is based primarily on the key document Guidelines on Countering Bullying Behaviour. However, it does take account of more recent legislative and regulatory changes, and reference is also made to issues of contemporary concern such as the need to tackle text bullying, cyber-bullying and homophobic bullying.

| Appeals in | 2009 | 2008 | 2007 | 2006 | 2005 |
|--------------|------|------|------|------|------|
| Post-Primary | 266 | 214 | 188 | 181 | 216 |
| Primary | 124 | 171 | 195 | 85 | 84 |
| Total | 390 | 385 | 383 | 266 | 300 |

Refusal to Enrol

Post Primary

| Refusal to enrol | Withdrawn | Local Resolution | Facilitator Resolution | Upheld at Hearing | Not Upheld at Hearing | Totals |
|------------------|-----------|------------------|------------------------|-------------------|-----------------------|--------|
| 2005 | 18 | 39 | 13 | 31 | 36 | 137 |
| 2006 | 25 | 8 | 3 | 30 | 27 | 93 |
| 2007 | 27 | 3 | 9 | 44 | 25 | 108 |
| 2008 | 16 | 16 | 22 | 30 | 45 | 129 |
| 2009 | 41 | 19 | 33 | 42 | 68 | 203 |
| Total | 127 | 85 | 80 | 177 | 201 | 670 |

Primary Sector

| Refusal to enrol | Withdrawn | Local Resolution | Facilitator Resolution | Upheld at Hearing | Not Upheld at Hearing | Totals |
|------------------|-----------|------------------|------------------------|-------------------|-----------------------|--------|
| 2005 | 7 | 10 | 15 | 24 | 14 | 70 |
| 2006 | 27 | 5 | 9 | 20 | 13 | 74 |
| 2007 | 35 | 17 | 48 | 28 | 60 | 188 |
| 2008 | 33 | 15 | 32 | 28 | 42 | 150 |
| 2009 | 30 | 12 | 14 | 19 | 40 | 115 |
| Total | 132 | 59 | 118 | 119 | 169 | 597 |

Expulsions

Post primary

| Expulsion | Withdrawn | Local Resolution | Facilitator Resolution | Upheld at Hearing | Not Upheld at Hearing | Totals |
|-----------|-----------|------------------|------------------------|-------------------|-----------------------|--------|
| 2005 | 9 | 1 | 6 | 10 | 42 | 68 |
| 2006 | 9 | 2 | 9 | 21 | 43 | 84 |
| 2007 | 17 | 0 | 3 | 11 | 40 | 71 |
| 2008 | 3 | 2 | 2 | 19 | 46 | 72 |
| 2009 | 13 | 0 | 4 | 7 | 32 | 56 |
| Total | 51 | 5 | 24 | 68 | 203 | 351 |

Primary

| Expulsion | Withdrawn | Local Resolution | Facilitator Resolution | Upheld at Hearing | Not Upheld at Hearing | Totals |
|-----------|-----------|------------------|------------------------|-------------------|-----------------------|--------|
| 2005 | 4 | 0 | 2 | 3 | 3 | 12 |
| 2006 | 2 | 0 | 0 | 2 | 3 | 7 |
| 2007 | 0 | 0 | 1 | 2 | 2 | 5 |
| 2008 | 1 | 0 | 0 | 5 | 6 | 12 |
| 2009 | 3 | 0 | 0 | 2 | 3 | 8 |
| Total | 10 | 0 | 3 | 14 | 17 | 44 |

School Discipline

193. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the number of children expelled from primary or second level schools throughout the country, on a county basis, in each of the past five years to date; the follow up procedures or process in place for such cases; the extent of any such reports arising therefrom; and if she will make a statement on the matter. [18603/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Under Section 15 of the Education Act 1998 it is the duty of the Board of Management to manage a school on behalf of the patron and for the benefit of the students and their parents. As part of its functions the board has a duty to publish the policy of the school relating to the expulsion and suspension of students.

Section 23 of the Education Welfare Act 2000 requires all schools to have in place a Code of Behaviour. It is the responsibility of the board to ensure that students are in compliance with this Code of Behaviour and to deal with disciplinary matters in the school in accordance with this code.

There is no requirement for local school authorities to report details of suspensions or expulsions to my Department, nor do I believe that this should be the case.

Under Section 29 of the Education Act 1998, where a school Board of Management permanently excludes a student from school, that decision may be appealed, either to the relevant Vocational Educational Committee in the first instance, or to the Secretary General of my Department.

[Deputy Mary Coughlan.]

Only where a Section 29 appeal is lodged with the Department of Education and Science will my Department have a record of an expulsion. The following table details the number of Section 29 appeals which have been lodged in relation to expulsion for each of the past five full years to date. Statistical details are not recorded on a county by county basis.

Only where an appeal has been upheld by a committee may the Secretary General of my Department direct that a child be re-admitted to a school. In respect of cases which are not upheld, such cases are referred by my Department to the National Educational Welfare Board (NEWB) which is the body who have statutory responsibility to assist parents to secure a school placement for their child. The NEWB will assist parents to find an alternative school placement or advise them as to the availability of Home Tuition support for their child pending the sourcing of a new school placement.

Section 29 Expulsions

Post primary

| Expulsion | Withdrawn or Resolved prior to hearing | Upheld at Hearing | Not Upheld at Hearing | Totals |
|-----------|----------------------------------------|-------------------|-----------------------|--------|
| 2005 | 16 | 10 | 42 | 68 |
| 2006 | 20 | 21 | 43 | 84 |
| 2007 | 20 | 11 | 40 | 71 |
| 2008 | 7 | 19 | 46 | 72 |
| 2009 | 17 | 7 | 32 | 56 |
| Total | 80 | 68 | 203 | 351 |

Primary

| Expulsion | Withdrawn or Resolved | Upheld at Hearing | Not Upheld at Hearing | Totals |
|-----------|-----------------------|-------------------|-----------------------|--------|
| 2005 | 6 | 3 | 3 | 12 |
| 2006 | 2 | 2 | 3 | 7 |
| 2007 | 1 | 2 | 2 | 5 |
| 2008 | 1 | 5 | 6 | 12 |
| 2009 | 3 | 2 | 3 | 8 |
| Total | 13 | 14 | 17 | 44 |

Special Educational Needs

194. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the number of places available at primary and second level schools throughout the country, on a county basis, for children with autism, Asperger's, attention deficit disorder, attention deficit hyperactivity disorder or similar learning difficulties as set out or required by local school authorities; the degree to which such requirements are likely to be met in the near future; and if she will make a statement on the matter. [18604/10]

199. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the number of special needs places available throughout the country at primary or second level on a county basis; and if she will make a statement on the matter. [18609/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 194 and 199 together.

Children with special educational needs, including the specific conditions mentioned by the Deputy, have a range of placement options available to them. The level and extent of resources provided to support pupils with special educational needs depend on the precise nature of the special educational need of the particular pupil. Supports can include the allocation of additional resource teaching support, special needs assistants, special school transport arrangements and grants for specialist equipment and/or assistive technology. School buildings may be adapted where necessary.

Many children with special needs, including those mentioned by the Deputy, attend mainstream schools alongside their peers. Depending on the extent of their special educational need, these children may receive support from the school's Learning Support teacher and/or additional tuition hours provided by a Resource teacher and/or support from a Special Needs Assistant.

Other children with such special educational needs attend a special class attached to a mainstream school while some children attend a special school. These children are supported through lower pupil teacher ratios and, where necessary, special needs assistants.

The enrolment of a child in a school is a matter in the first instance for the parents of the child and the Board of Management of a school. My Department has no role in relation to processing applications for enrolment in schools and therefore the information requested by the Deputy is not available within my Department.

The National Council for Special Education through its network of Special Education Needs Organisers (SENOs), co-ordinates special needs education provision at local level. SENOs act as single points of contact for parents of students with special educational needs. SENOs work with schools to sanction additional special class provision as necessary.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

195. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the number of resource or special needs teachers currently required at primary and or second level schools throughout the country, on a county basis, as set out by the various school authorities; the degree to which any outstanding requirements are likely to be met; and if she will make a statement on the matter. [18605/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The overall national total number of whole time equivalent teaching posts allocated for special needs provision is just under 8,000 at Primary level and 2,775 at Post Primary level in the 2009/10 school year. The level of detail sought by the Deputy on a county basis would take some time to collate within my Department. My Department's Teacher Allocation Section is currently focused on the initial work for the allocation of staffing for the coming school year and I do not propose to divert them from this work at this key time in the allocation process.

[Deputy Mary Coughlan.]

The general allocation model was introduced in primary schools in September 2005 to ensure that each school has learning support/resource teaching support available to meet the needs of children with high incidence special educational needs. The allocation system under the general allocation model was linked to the school's enrolment in 2005 and it was decided not to review this aspect until the model had been in operation for three years. This review is now under way. The allocation to schools is however enhanced in the case of schools experiencing large increases in enrolment and which satisfy the conditions under my Department's Developing School Criteria.

Schools decide themselves how best to use this allocation based on the needs of the pupils and how to adjust their support in line with the changing needs of pupils as they mature. My Department provided a circular SP ED 02/05 to schools to assist them in deploying the General Allocation Model resources.

The Deputy will be aware that my Department's policy is to support the inclusive education of students with special educational needs across the schools system. In this context, a range of supports are provided to schools to enable them cater for pupils with special educational needs. The supports available include additional teaching support, special needs assistant support, school transport and grants for the purchase of teaching materials and specialised equipment.

The National Council for Special Education (NCSE), through local Special Educational Needs Organisers (SENOS), is responsible for processing applications from primary and post primary schools for special educational needs supports. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie.

Pupil-Teacher Ratio

196. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the degree to which pupil-teacher ratios in the classroom or class sizes have altered at primary schools throughout the country, on a county basis, in each of the past five years and to date in 2010; and if she will make a statement on the matter. [18606/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The information requested by the Deputy in relation to class size is attached. Pupil Teacher Ratio in respect of all schools is currently only available at national level and not disaggregated by county or any other variable. The data for the current school year (2009/2010) are currently being compiled by my Department and the final outcome will be available later in the year. PTR at National Level is set out as follows:

2004/2005, 17.1.

2005/2006, 17.

2006/2007, 16.4.

2007/2008, 16.0.

2008/2009, 15.9.

2004/05

| | Total Pupils | No of Classes | Average Class Size |
|------------------------|--------------|---------------|--------------------|
| Carlow | 5,572 | 220 | 25.3 |
| Cavan | 7,389 | 322 | 22.9 |
| Clare | 11,641 | 504 | 23.1 |
| Cork City | 13,653 | 596 | 22.9 |
| Cork County | 36,011 | 1,463 | 24.6 |
| Donegal | 17,126 | 750 | 22.8 |
| Dublin City | 40,514 | 1,770 | 22.9 |
| Dun Laoghaire/Rathdown | 15,613 | 605 | 25.8 |
| Fingal | 23,251 | 866 | 26.8 |
| Galway City | 5,623 | 242 | 23.2 |
| Galway County | 17,084 | 796 | 21.5 |
| Kerry | 14,340 | 614 | 23.4 |
| Kildare | 21,290 | 794 | 26.8 |
| Kilkenny | 9,193 | 374 | 24.6 |
| Laois | 7,303 | 303 | 24.1 |
| Leitrim | 2,982 | 139 | 21.5 |
| Limerick City | 6,807 | 300 | 22.7 |
| Limerick County | 12,678 | 539 | 23.5 |
| Longford | 3,544 | 165 | 21.5 |
| Louth | 12,575 | 499 | 25.2 |
| Mayo | 13,226 | 633 | 20.9 |
| Meath | 17,692 | 685 | 25.8 |
| Monaghan | 6,165 | 266 | 23.2 |
| Offaly | 8,024 | 336 | 23.9 |
| Roscommon | 6,063 | 297 | 20.4 |
| Sligo | 6,377 | 287 | 22.2 |
| South Dublin | 26,208 | 1,063 | 24.7 |
| Tipperary N.R. | 7,127 | 316 | 22.6 |
| Tipperary S.R. | 9,261 | 397 | 23.3 |
| Waterford City | 5,168 | 209 | 24.7 |
| Waterford County | 6,550 | 273 | 24.0 |
| Westmeath | 9,034 | 378 | 23.9 |
| Wexford | 14,871 | 596 | 25.0 |
| Wicklow | 13,365 | 536 | 24.9 |
| | 433,320 | 18,133 | |

2005/06

| | Total Pupils | No. of Classes | Average Class Size |
|-------------|--------------|----------------|--------------------|
| Carlow | 5,693 | 227 | 25.1 |
| Cavan | 7,684 | 329 | 23.4 |
| Clare | 11,793 | 507 | 23.3 |
| Cork City | 13,547 | 594 | 22.8 |
| Cork County | 36,956 | 1,478 | 25.0 |
| Donegal | 17,246 | 754 | 22.9 |

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| | Total Pupils | No. of Classes | Average Class Size |
|------------------------|--------------|----------------|--------------------|
| Dublin City | 40,700 | 1,775 | 22.9 |
| Dun Laoghaire/Rathdown | 15,612 | 607 | 25.7 |
| Fingal | 24,491 | 906 | 27.0 |
| Galway City | 5,735 | 245 | 23.4 |
| Galway County | 17,415 | 810 | 21.5 |
| Kerry | 14,455 | 625 | 23.1 |
| Kildare | 22,070 | 828 | 26.7 |
| Kilkenny | 9,274 | 378 | 24.5 |
| Laois | 7,565 | 307 | 24.6 |
| Leitrim | 2,971 | 140 | 21.2 |
| Limerick City | 6,777 | 292 | 23.2 |
| Limerick County | 12,809 | 543 | 23.6 |
| Longford | 3,610 | 166 | 21.7 |
| Louth | 13,337 | 521 | 25.6 |
| Mayo | 13,190 | 629 | 21.0 |
| Meath | 18,615 | 715 | 26.0 |
| Monaghan | 6,242 | 267 | 23.4 |
| Offaly | 8,263 | 342 | 24.2 |
| Roscommon | 6,221 | 298 | 20.9 |
| Sligo | 6,437 | 286 | 22.5 |
| South Dublin | 26,578 | 1,080 | 24.6 |
| Tipperary N.R. | 7,339 | 317 | 23.2 |
| Tipperary S.R. | 9,224 | 397 | 23.2 |
| Waterford City | 5,375 | 210 | 25.6 |
| Waterford County | 6,723 | 274 | 24.5 |
| Westmeath | 9,238 | 378 | 24.4 |
| Wexford | 15,195 | 607 | 25.0 |
| Wicklow | 13,580 | 535 | 25.4 |
| | 441,960 | 18,367 | |

2006/07

| | Total Pupils | No. of Classes | Average Class Size |
|------------------------|--------------|----------------|--------------------|
| Carlow | 5,993 | 235 | 25.5 |
| Cavan | 8,040 | 335 | 24.0 |
| Clare | 12,113 | 518 | 23.4 |
| Cork City | 13,655 | 598 | 22.8 |
| Cork County | 38,108 | 1,536 | 24.8 |
| Donegal | 17,684 | 767 | 23.1 |
| Dublin City | 40,891 | 1,798 | 22.7 |
| Dun Laoghaire/Rathdown | 15,678 | 613 | 25.6 |
| Fingal | 25,925 | 970 | 26.7 |
| Galway City | 5,981 | 261 | 22.9 |
| Galway County | 18,052 | 828 | 21.8 |
| Kerry | 14,749 | 633 | 23.3 |
| Kildare | 23,221 | 875 | 26.5 |

| | Total Pupils | No. of Classes | Average Class Size |
|------------------|--------------|----------------|--------------------|
| Kilkenny | 9,576 | 383 | 25.0 |
| Laois | 7,985 | 321 | 24.9 |
| Leitrim | 3,147 | 144 | 21.9 |
| Limerick City | 6,888 | 299 | 23.0 |
| Limerick County | 13,095 | 545 | 24.0 |
| Longford | 3,859 | 177 | 21.8 |
| Louth | 13,866 | 546 | 25.4 |
| Mayo | 13,377 | 628 | 21.3 |
| Meath | 19,707 | 764 | 25.8 |
| Monaghan | 6,365 | 274 | 23.2 |
| Offaly | 8,587 | 351 | 24.5 |
| Roscommon | 6,428 | 309 | 20.8 |
| Sligo | 6,572 | 290 | 22.7 |
| South Dublin | 27,263 | 1,110 | 24.6 |
| Tipperary N.R. | 7,566 | 323 | 23.4 |
| Tipperary S.R. | 9,435 | 400 | 23.6 |
| Waterford City | 5,606 | 221 | 25.4 |
| Waterford County | 6,886 | 278 | 24.8 |
| Westmeath | 9,553 | 395 | 24.2 |
| Wexford | 15,618 | 625 | 25.0 |
| Wicklow | 13,986 | 559 | 25.0 |
| | 455,455 | 18,909 | |

2007/08

| | Total Pupils | No. of Classes | Average Class Size |
|------------------------|--------------|----------------|--------------------|
| Carlow | 6,345 | 249 | 25.5 |
| Cavan | 8,448 | 357 | 23.7 |
| Clare | 12,499 | 534 | 23.4 |
| Cork City | 13,715 | 607 | 22.6 |
| Cork County | 39,583 | 1,602 | 24.7 |
| Donegal | 18,065 | 790 | 22.9 |
| Dublin City | 41,186 | 1,825 | 22.6 |
| Dun Laoghaire/Rathdown | 15,608 | 620 | 25.2 |
| Fingal | 27,313 | 1,037 | 26.3 |
| Galway City | 6,218 | 273 | 22.8 |
| Galway County | 18,718 | 854 | 21.9 |
| Kerry | 15,086 | 649 | 23.2 |
| Kildare | 24,488 | 931 | 26.3 |
| Kilkenny | 9,796 | 397 | 24.7 |
| Laois | 8,556 | 351 | 24.4 |
| Leitrim | 3,280 | 152 | 21.6 |
| Limerick City | 6,928 | 304 | 22.8 |
| Limerick County | 13,496 | 563 | 24.0 |
| Longford | 4,231 | 187 | 22.6 |
| Louth | 14,477 | 580 | 25.0 |
| Mayo | 13,738 | 638 | 21.5 |

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| | Total Pupils | No. of Classes | Average Class Size |
|------------------|--------------|----------------|--------------------|
| Meath | 20,754 | 810 | 25.6 |
| Monaghan | 6,561 | 280 | 23.4 |
| Offaly | 8,883 | 368 | 24.1 |
| Roscommon | 6,675 | 317 | 21.1 |
| Sligo | 6,748 | 296 | 22.8 |
| South Dublin | 28,049 | 1,165 | 24.1 |
| Tipperary N.R. | 7,804 | 337 | 23.2 |
| Tipperary S.R. | 9,588 | 412 | 23.3 |
| Waterford City | 5,748 | 232 | 24.8 |
| Waterford County | 7,199 | 294 | 24.5 |
| Westmeath | 9,842 | 412 | 23.9 |
| Wexford | 16,264 | 664 | 24.5 |
| Wicklow | 14,381 | 578 | 24.9 |
| | 470,270 | 19,665 | |

2008/09

| | Total Pupils | No. of Classes | Average Class Size |
|------------------------|--------------|----------------|--------------------|
| Carlow | 6,594 | 260 | 25.4 |
| Cavan | 8,839 | 371 | 23.8 |
| Clare | 12,966 | 560 | 23.2 |
| Cork City | 13,597 | 606 | 22.4 |
| Cork County | 40,969 | 1,674 | 24.5 |
| Donegal | 18,436 | 804 | 22.9 |
| Dublin City | 40,966 | 1,837 | 22.3 |
| Dun Laoghaire/Rathdown | 15,869 | 624 | 25.4 |
| Fingal | 28,813 | 1,116 | 25.8 |
| Galway City | 6,385 | 285 | 22.4 |
| Galway County | 19,356 | 877 | 22.1 |
| Kerry | 15,239 | 662 | 23.0 |
| Kildare | 25,511 | 978 | 26.1 |
| Kilkenny | 10,042 | 404 | 24.9 |
| Laois | 9,075 | 371 | 24.5 |
| Leitrim | 3,389 | 154 | 22.0 |
| Limerick City | 6,887 | 310 | 22.2 |
| Limerick County | 13,725 | 573 | 24.0 |
| Longford | 4,486 | 194 | 23.1 |
| Louth | 14,948 | 605 | 24.7 |
| Mayo | 13,957 | 663 | 21.1 |
| Meath | 21,721 | 847 | 25.6 |
| Monaghan | 6,586 | 284 | 23.2 |
| Offaly | 9,242 | 383 | 24.1 |
| Roscommon | 6,900 | 326 | 21.2 |
| Sligo | 6,841 | 305 | 22.4 |
| South Dublin | 28,926 | 1,208 | 23.9 |
| Tipperary N.R. | 7,876 | 349 | 22.6 |

| | Total Pupils | No. of Classes | Average Class Size |
|------------------|--------------|----------------|--------------------|
| Tipperary S.R. | 9,636 | 414 | 23.3 |
| Waterford City | 5,868 | 237 | 24.8 |
| Waterford County | 7,427 | 298 | 24.9 |
| Westmeath | 10,036 | 421 | 23.8 |
| Wexford | 16,740 | 692 | 24.2 |
| Wicklow | 14,745 | 599 | 24.6 |
| | 482,593 | 20,291 | |

Radon Gas Levels

197. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the extent, if any, to which the threats of radon gas exists at either primary, second level schools or colleges throughout the country; the extent to which the issue has been dealt with to date or is likely to be dealt with in the future; and if she will make a statement on the matter. [18607/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department commenced a Radon Remediation Programme in 1998 when it commissioned the Radiological Protection Institute of Ireland (RPII) to conduct a survey of radon levels in all primary and post primary schools. Radon in third level colleges is a matter for the individual institutions.

The programme initially involved surveying radon levels in schools and subsequently carrying out mitigation works where appropriate. The programme is 100% funded by my Department.

All schools were advised of the programme and where excess radon levels were located, funding is provided to schools for the mitigation works. Follow-up monitoring also takes place to ensure that the remediation action has been successful.

The radon reference level set for the workplace under the “Radiological Protection Act, 1991 ((Ionising Radiation) Order, 2000” (Statutory Instrument 125 of 2000)) is 400 Bq/m³. Notwithstanding the fact that the statutory reference level is 400 Bq/m³, my Department provides funding for radon levels exceeding 200 Bq/m³.

Radon barriers are included in the design of all new school building projects.

Psychological Service

198. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the extent to which requests have been made on a county basis for psychological assessment and or follow up procedures at primary and second level schools here in each of the past five years and to date in 2010; the degree to which such requirements have been met; her plans to meet such requirements; and if she will make a statement on the matter. [18608/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As the Deputy will be aware all primary and post-primary schools have access to psychological assessments either directly through the National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA). Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved and paid for by NEPS.

In common with many other psychological services and best international practice, NEPS encourages a staged assessment process, whereby each school takes responsibility for initial

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assessment, educational planning and remedial intervention, in consultation with their assigned NEPS psychologist. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually. It also ensures that children are not referred unnecessarily for psychological intervention.

The document "Special Needs Education — A Continuum of Support", which has been circulated to all primary school teachers, demonstrates this process which moves from simple classroom based interventions to more specialised and individual interventions. These guidelines describe a graduated problem solving model of assessment and intervention in schools and comprise three distinct school based processes which are summarised below:

1. Classroom Support — is an intervention which is co-ordinated by the Class Teacher and is carried out in the regular classroom,
2. School Support — is an assessment and intervention process which is usually co-ordinated by the learning support/resource teacher working alongside the class teacher. Interventions at this stage will be additional to those provided through classroom support.
3. School Support Plus — is generally characterised by the school requesting the involvement by the relevant external service in more detailed assessment and development of intervention programmes. This level of intervention is for children with complex and/or enduring needs and whose progress is considered inadequate, despite carefully planned interventions at previous levels.

The staged model recognises that pupils present with a wide range of issues and difficulties and allows for their amelioration and intervention at the level most appropriate to the particular need.

NEPS psychologists provide both support and development service to teachers in accommodating the various needs at levels 1 and 2 of the staged model and provide advice in relation to appropriate intervention in relation to unnamed pupils or groups of pupils as well as servicing the identified needs at individual named pupil at level 3 up to and including full psychological assessment. The input in respect of stages 1 and 2 is therefore not recorded at individual pupil level by NEPS. It should be noted that even at level 3 the assessment may take a variety of forms depending on the pupils needs.

I attach for the Deputies information an account of the number of individuals who have been brought to the specific attention of the NEPS service for the years 2004/05 to 2008/09 and to date in 2009/10 which constitute the type and level of response at stage 3 of the above continuum process. Regional surveys undertaken in recent years would suggest that some 7,000 additional cases annually are raised by teachers / school authorities with NEPS psychologists in respect of unnamed pupils for general advice on how best to attend to their needs without recourse to direct consultation with or assessment of the pupil or pupils in question.

NEPS also provide support to the State Examinations Commission in making recommendations for students applying for special accommodation under the Reasonable Accommodation for State Examinations (RACE) scheme mainly at Leaving Certificate level. These are included in the following data.

While I am satisfied that the level of service currently being provided by NEPS to the school community is sufficient to the task my Department is committed to the continued development of the Service. The Deputy will no doubt be aware of the undertaking within the Renewed

Programme for Government to an overall expansion of NEPS psychologist numbers to 210, currently NEPS staffing numbers stand at 157.

I can inform the Deputy that my Department and the Public Appointments Service (PAS) is currently actively engaging with six prospective recruits to NEPS, from an existing recruitment panel, for assignment in the near future.

Furthermore a new recruitment competition was set in train in February by PAS in conjunction with my Department's Personnel Section in order to establish a new panel from which the remaining vacancies may be filled. The closing date for applications in this regard is now past and it is envisaged that the vetting, interviewing and empanelling of suitable applicants will be completed in time to recruit new psychologists for the beginning of the new school year. This targeted expansion will ultimately allow to the assignment of a NEPS psychologist to all primary and post-primary schools and pupils nationally and afford a level of enhancement of service to Special Needs Units and Schools regionally.

Number of Individuals referred to the NEPS Service 2004/05 to 2009/10

| | SCPA | NEPS | Total |
|---------|-------|--------|--------|
| 2004/05 | 3,475 | 7,502 | 10,977 |
| 2005/06 | 4,068 | 7,939 | 12,007 |
| 2006/07 | 4,426 | 8,917 | 13,343 |
| 2007/08 | 4,609 | 9,307 | 13,916 |
| 2008/09 | 2,694 | 11,551 | 14,245 |
| 2009/10 | 1,547 | 4,577 | 6,124 |

(*)The current counts of referrals to NEPS and RACE cases does not reflect an accurate an accurate position as the data will be updated before by the end of the academic year.

Question No. 199 answered with Question No. 194.

School Accommodation

200. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the number of children at primary and second level on a county basis here that are accommodated in prefabricated structures; the locations at which this has prevailed for the longest period; her plans, if any, to replace such buildings with permanent structures; and if she will make a statement on the matter. [18610/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): In general, my Department approves the purchase or rental of prefabricated classrooms based on need at the time of application. My Department does not hold information on the numbers of pupils in individual schools who currently occupy temporary accommodation, this depends on the organisation of class groups by the school management within available accommodation and may vary from year to year.

A change in policy that has been implemented by my Department is to grant aid the purchase (rather than rental) of temporary accommodation where the need for such accommodation is likely to exist for more than 3 years. Furthermore, since July 2008, it is also policy to offer schools being approved for grant aid for temporary accommodation the option to use their capital grant aid to build a permanent classroom(s) rather than purchase a prefab. These policies will reduce the usage of temporary accommodation and, particularly, the incidence of long-term rental of prefabs.

[Deputy Mary Coughlan.]

In addition, my Department has engaged a specialist firm to develop new procedures and systems for the provision of temporary accommodation with a view to achieving best value for money. The review incorporates the development of standard specifications for temporary accommodation, the development of new contractual terms to incorporate buy-out and relocation options to cater for individual local circumstances and appropriately protect the interests of the Department and school authorities.

Schools Building Projects

201. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills the intended expenditure on school or college buildings at primary, second or third level throughout the country in 2010; the extent to which this compares on an annual basis with each of the past five years and to date in 2010; and if she will make a statement on the matter. [18611/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The intended expenditure on school buildings at primary and post-primary level and on third-level institutions in 2010 is contained in the attached document. The capital spend in these three areas as of end April 2010 and from 2005-2009 is also as follows.

Capital Allocation 2010

all figures in €m

| | 2010 Allocation | End Apr 2010 Position |
|--------------------|-----------------|-----------------------|
| | € | € |
| Primary Level | 306.800 | 39.034 |
| Post-Primary Level | 200.000 | 23.898 |
| Third Level | 140.755 | 20.303 |
| TOTAL | 647.555 | 83.235 |

Capital Spend 2005-2009

all figures in €m

| | 2005 | 2006 | 2007 | 2008 | 2009 |
|--------------------|----------------|----------------|----------------|----------------|----------------|
| | € | € | € | € | € |
| Primary Level | 266.679 | 244.898 | 398.556 | 488.754 | 328.946 |
| Post-Primary Level | 234.580 | 249.480 | 247.470 | 155.278 | 197.026 |
| Third Level | 90.828 | 115.984 | 147.435 | 155.377 | 199.846 |
| TOTAL | 592.087 | 610.362 | 793.461 | 799.409 | 725.818 |